Flemming, Michael, CDA

From: Ana Maria Gonzalez <amglezj1@yahoo.com>
Sent: Sunday, October 27, 2019 11:41 AM
To: Chauhan, Nisha, CDA
Cc: Lopez, Albert, CDA; Orduna, Rodrigo, CDA
Subject: Re: Ruby Street Apartments Public Meeting Nov 25, 2019 - NEW DATE

Follow Up Flag: Follow up
Flag Status: Flagged

To Whom It May Concern,

Before this goes through, I think you should re-consider traffic and parking in the area. We need a traffic light at A St and Ruby. It is hard to merge into traffic on A St from Ruby. We already have people that live in apartments in the surrounding area parking in front of our properties. Once you build this project as you plan, there would be not enough parking for anybody and would be taking all of our street parking.

Most people have vehicles, as it is almost imposible to accomplish what we need without them. As I mentioned it before, think of a family with two or three children, couple works in different places, or different schedules. Children need to go to different schools, or school and child care. Does not matter how close the schools are, it takes time and is not feasible for most people. If you do not believe me, try it yourself. Pretend you are living at the propose location. Walk to Strobridge Elementary, walk back to Bart or take public transportation to work. You may want to add another child to child care or another school. Also, think about picking them up after work, in the rain, or extreme weather conditions.

I personally think this is discrimination against the poor.

Thanks,

Ana M Gonzalez

On Wednesday, October 23, 2019, 08:35:10 AM PDT, Chauhan, Nisha, CDA <nisha.chauhan@acgov.org> wrote:

NOTICE IS HEREBY GIVEN

that the

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

and the

ALAMEDA COUNTY PLANNING DEPARTMENT

will hold a Public Information Hearing on

ANALYSIS AND DETERMINATION OF A COMMUNITY PLAN EXEMPTION FROM ENVIRONMENTAL REVIEW CONDUCTED FOR SITE DEVELOPMENT REVIEW, PLN2019-00024, EDEN HOUSING, proposal to allow a single four-story apartment building to contain 72 dwelling units affordable to low- and very-low income households and 109 surface parking spaces on a 2.95-acre site, together with a creek-side bicycle/pedestrian trail in the Castro Valley General Plan Area, west side of Ruby Street, 130 ft. north of A Street, extending west to San Lorenzo Creek and north to Crescent Avenue, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Numbers: 415-230-2, -3, -5, -11, -12, -13, -14, -15, -16, -17, -18, -19, -21, -22, -23, -24, -69, -70, -72, and -73.

The California Environmental Quality Act (CEQA) review for this project was conducted pursuant to Section 15183 of the state CEQA Guidelines: "Projects Consistent with a Community Plan or Zoning". CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies. The potential environmental impacts that could result from this project were analyzed using an environmental checklist that identified environmental impacts in the Environmental Impact Report (EIR) prepared for the *Castro Valley General Plan* (certified by the County Board of Supervisors on March 27, 2012). The 2012 EIR identified probable impacts and appropriate mitigation measures for development within the *General Plan* area, so that as provided for by CEQA (Section 15183), the focus of the further environmental analysis was on the site-specific project effects that were not identified in the EIR, such as this project's particular effects on air quality, biological resources, cultural resources, noise, and transportation and traffic. Based on that site-specific analysis, no further significant effects to the environment were identified.

No decision to approve or deny the project will be made at this hearing. The Castro Valley Municipal Advisory Council will take public comment and provide staff with comments on the CEQA analysis.

If you challenge the proposed Site Development Review, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Director at or prior to the public hearing.

The Castro Valley Municipal Advisory Council hearing will be held at ***6:00 p.m. on Monday, November 25, 2019, in the Castro Valley Library, Chabot Room, 3600 Norbridge Avenue, in Castro Valley.***

The site plans and the CEQA Community Plan Exemption are located on our website at http://acgov.org/cda/planning/landuseprojects/currentprojects.htm.

Regards,

Nisha Chauhan, AICP

Senior Planner

Alameda County

Community Development Agency

510.670.6541

Flemming, Michael, CDA

From: Anita Wah <anitawah@sbcglobal.net>
Sent: Monday, November 25, 2019 3:16 PM
To: Chauhan, Nisha, CDA
Subject: comments on CEQA analysis of Eden Housing's Proposed Ruby St. Project
Attachments: Comment on Ruby St. Project CEQA 11.25.19.pdf

Dear Ms. Chauhan,

Attached are the comments on the CEQA analysis. My husband, Alan Fishman, and the co-signer of this letter, will present this to the MAC at the meeting tonight.

Thank you for your attention.

Sincerely,
Anita Wah
1719 Grove Way
Castro Valley

To: Nisha Chauhan, Senior Planner
Alameda County Planning Department
224 W. Winton Avenue, Rm 111
Hayward, CA 94544

cc: Castro Valley Municipal Advisory Council Members
Kenneth A Carbone
Sheila Cunha
Marc Crawford
Chuck Moore
Dolly Adams
Shannon Killebrew
Ted Riche
Nate Miley, Alameda County Supervisor District 4

Date: November 25, 2019

Subject: affordable housing in and around the Baywood neighborhood of Castro Valley, and CEQA analysis of Eden Housing's proposed Ruby Street project

To our esteemed public servants:

We are writing to express support for development of affordable housing in our neighborhood. Many neighbors share our opinion. We have previously proposed the development of affordable housing on the Centennial Hall property, portions of Parcel 8, and all of Parcel 9 of the 238 Bypass properties. The neighborhood was dismayed to find that the subsidized rentals on Grove Way in Parcel 8 (three blocks from our home) were vacated and then razed without a plan in place to replace this stock of affordable housing. This is a modest neighborhood of many long-time residents, and many of us could not afford to live here if we had to buy homes at their current prices. We are very sympathetic to those who are priced out of the Bay Area housing market. **We have previously written to ask that the City of Hayward and the County of Alameda work together to coordinate plans for affordable housing in this area, and in this letter we repeat this request.**

However, we are NOT in favor of Eden Housing's proposed Ruby Street project, and we object to Eden Housing's characterization of our opposition as lack of support for affordable housing in this area. **We wish to express our support for the Friends of San Lorenzo Creek (FSLC) comments on the September 2019 CEQA Analysis of Eden Housing's Proposed Ruby Street Project dated 11/24/19** and the previous comments on the Site Development Review submitted on 3/26/19.

There are many reasons that Ruby Meadow, in contrast to the other locations we have proposed, is uniquely unsuited to housing development, but Eden Housing has failed to respond to community requests to consider reasonable alternatives in the same neighborhood. A complete Environmental Impact Review is necessary to

- evaluate the impact that this project would have on the surrounding environment and the neighborhood, not just the immediate site and
- compare the impact of the placing the proposed project in this location with others nearby.

We outline some of these impacts below.

Ecological and Environmental Impacts

Of the 238 Bypass parcels in the area, Ruby Meadow is the only one that is adjacent to a creek. There are many state and local laws that protect riparian areas, and Chapter 7 of the Castro Valley General Plan has repeated references to the importance of preserving oak riparian woodland, riparian habitat, and areas along watercourses. (See the FSLC comments and appendices for details.) Furthermore, because it is a "patch" of the right size and shape, located next to a creek, and contiguous with two other parks, it is just the kind of rare space which urban ecological scientists encourage us to preserve. (See the discussions beginning on page 22 in San Francisco Estuary Institute's 2019 project report, *Making Nature's City:a science-based*

framework for building urban biodiversity at https://www.sfei.org/documents/making-natures-city.)

In its CEQA analysis, Eden Housing argues that this parcel is not worth preserving as habitat because it contains no protected species. This disregards the unique potential of Ruby Meadow and the adjacent creek for restoration as native habitat in the future as part of efforts throughout Alameda County to promote biodiversity and improve the health of the watershed.

Ruby Meadow has many large trees and considerable wildlife. The project's plan is for the removal of many large trees, which will be replaced by smaller trees and shrubs. A parking lot is planned for the area containing some of the largest trees, necessitating their removal. **In its CEQA analysis, Eden Housing presents no evidence that this tree removal and replacement with a parking lot will not result in damage to the environment.** California's native oaks are some of the best plants for carbon sequestration, and obviously large oaks are better than small oaks. Large trees, both native and non-native, but especially oaks, are critical components of the ecosystem, and small landscaping plants will not adequately substitute for their loss. Replacement of a meadow with an impervious parking lot so close to the creek has the potential of increasing run-off that will negatively affect water quality.

Due to its proximity to the creek, Ruby Meadow supports an abundance of wildlife, including both native and naturalized species. During the twenty months of construction, this wildlife will be forced to disperse. **In its CEQA analysis, Eden Housing makes the very dubious claim that the wildlife will return after construction. They have not provided evidence for this claim.** Even if this were plausible, wildlife would have nothing to return to, since most of the large trees will have been removed and much of the site will be covered with buildings, walkways, a barbecue pit, a playground, and over 24,000 square feet of parking spaces.

Community Impacts

Unlike the part of Castro Valley north of the freeway, this neighborhood is poorly served by parks and recreation areas. **In its CEQA analysis, Eden Housing vastly overstates the recreational opportunities in this area, even creating a fictional recreational area called the "Douglas Morrison Botany Grounds."** In fact, the only recreational area for children and families in the neighborhood is a small play structure and picnic area in Carlos Bee Park where parents do not allow children to go unattended because of its isolation. Rather than setting aside the pretty forested area closest to the creek as open space or a park for the community, Eden Housing's plan designates this as a parking lot. H.A.R.D. has been offered for park space a small parcel of less than half an acre ("Parcel B") currently occupied by commercial buildings, and directly on A Street. Since no one will use a park located next to one of the busiest streets in downtown Hayward, this will be of no use to the community. Eden Housing has also offered to build an asphalt trail with a view of its parking lots that will allow community members to reach this tiny park located on a major traffic corridor. Any other recreational or open space amenities will be for the restricted use of Eden Housing residents, not the entire community. **An accurate CEQA analysis would compare the value to the community of a trail beside parking lots and a pocket park on A Street with the alternative of H.A.R.D. ownership and restoration or park development on the entire Ruby Meadow property.**

The neighborhood for the proposed project is one of modest older homes and small apartment buildings. Assuming an average size of 1500 square feet for single family homes in the neighborhood, the proposed parking lots will occupy the equivalent of living space for sixteen families. The proposed multistory buildings will also be the tallest buildings in the neighborhood. In its CEQA analysis, Eden Housing claims incorrectly that the proposed project will not have an impact on the character of the neighborhood. **An accurate CEQA analysis would compare the neighborhood impact of large parking lots and a multistory apartment building on Ruby Meadow with the alternative of similar size project on Parcel 8, Parcel 9, or the Centennial Hall property.**

In its CEQA analysis of traffic and transportation, Eden Housing makes what are probably incorrect assumptions about the convenience of public transportation and the number of car trips expected in and out of the property. It therefore almost certainly understates traffic impact on the neighborhood and overstates

the benefit to residents of available transportation. Any affordable housing should be located very close to schools and public transportation to reduce the residents' need for the expense of car ownership. While Parcels 8 and 9 are both within walking distance of Strobridge Elementary, parents living in the proposed Ruby Meadow development would be likely to drive their children to school. Likewise, while Parcel 8, Parcel 9, and Centennial Hall are all directly on AC Transit Route 93 connecting Castro Valley BART and Hayward BART, residents of a Ruby Meadow project would have to cross A Street to access transportation on B Street. **An accurate CEQA analysis would compare the neighborhood impact on traffic (taking into consideration both of public transportation and proximity of schools) of the proposed Ruby Meadow project with the alternative of a project on Parcel 8, Parcel 9, or the Centennial Hall property.**

We hope you will seriously consider our comments when evaluating the adequacy of the CEQA analysis of Eden Housing's proposed Ruby Street project.

Sincerely,

Anita Wah
Alan M. Fishman
1719 Grove Way
Castro Valley, 94546
anitawah@sbcglobal.net
slzfishman@yahoo.com

Flemming, Michael, CDA

From: GWNA Admin <ann@grovewayneighborhood.org>
Sent: Thursday, November 21, 2019 1:02 PM
To: Chauhan, Nisha, CDA
Cc: Renee Sutton
Subject: PLN2019-00024

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Nisha!

In reading the CEQA document (page 61), I see an archeological dig was performed in 2014 at the Ruby site.

Do you have any information about who did this dig, i.e. the name of the archeologist and/or any information about the extent and/or location of the dig?

The CA-ALA-566 Ohlone site seems very significant at Ruby Meadow, rather than a question, and I'd like to know how the developer confirmed that no artifacts or relics or remains are here. It seems pretty obvious that this was an Ohlone resource for thousands of years.

Thanks for any information, Ann

Ann E. Maris, PhD
510-303-4968

Flemming, Michael, CDA

From: Ann E. Maris <ann0000@gmail.com>
Sent: Monday, November 25, 2019 3:24 PM
To: Chauhan, Nisha, CDA
Cc: Crawford, Marc, Castro Valley MAC; Adams, Dolly, Castro Valley MAC; Riche, Ted, Castro Valley MAC; Cunha, Sheila, Castro Valley MAC; Moore, Chuck, Castro Valley MAC; Carbone, Ken, Castro Valley MAC; Killebrew, Shannon, Castro Valley MAC
Subject: 11/25/19 PLN2019-00024 CEQA comments
Attachments: Doc19.pdf

Members of the Castro Valley
Municipal Advisory Commission
c/o Planning Department
Ms. Nisha Chauhan
Winton Ave,
Hayward, California

Re: Proposed Analysis and Determination of Community Plan Exemption from Environmental Review For Ruby Meadows Project.

Dear Mr. Chair and Members of The Castro Valley Municipal Advisory Commission:

This is to request that you recommend that an Environmental Impact Report (EIR) be prepared for the above proposed project located along the San Lorenzo Creek riparian corridor which is designated a high priority biological resource, and not an infill area by the Castro Valley General Plan. Neither is the project location in a transit priority area or a priority development area. Based on our review, this project is not consistent with the zoning and requirements of the Castro Valley General Plan and thereby requires a complete environmental analysis satisfying the California Environmental Quality Act (CEQA).

As Staff's analysis concedes, pages 21-22, in its 152 pages Checklist for a Plan Exemption, the proposed project is inconsistent with the current zoning and "would use a waiver to exceed the maximum height" of the multi-story building. Additionally, "[t]he project would also use *several waivers* and incentives to modify other minor standards such as setbacks and ***open space requirements.***" Having to resort to a waiver by definition means that the project is inconsistent, since if it was consistent, no waiver would be required. The fact that Staff has to dedicate 152 pages to attempt to justify an exemption from environmental review likewise establishes there are serious inconsistencies since if there were not, Staff would not need 152 pages.

Additionally, the EIR prepared eight years ago for the Castro Valley General Plan in 2012 is stale, failing to analyze and apply important traffic impacts utilizing the vehicle miles travelled criteria to determine greenhouse gases, another important question to address given the large number of parking spaces this project proposes nearby the Creek. Further, since 2012, California has experienced unprecedented detrimental impacts due to climate change, resulting in residents losing their homes and insurance. Climate change has particularly impacted our riparian corridors by flooding, which if not properly protected, may become subject to embankment deterioration and collapse. Given these circumstances, together with the County Ordinance allowing development up to twenty feet from the Creek's embankment, a controversial set back many have identified as far from sufficient, preparation of an EIR is essential for the protection of both the environment and public. Given the project location's designation falls within the General Plan's designation for a biological resource overlay that requires "special review," combined with the possible presence of special status plant and animal species, and State and Federal requirements to protect these sensitive riparian corridors, an environmental review is essential.

To date unfortunately no environmental analysis satisfying CEQA has been prepared which would identify impacts, potential necessary mitigations, and the best environmental options.

Given the unique and important location of this land abutting the San Lorenzo Creek and rapid advancement of the detrimental impacts of climate change, together with the fact that this proposed project is inconsistent with the zoning and conditions of the Castro Valley General Plan which relies on a stale and outdated EIR, this is to urge you to recommend that a thorough environmental review be prepared to allow you and the public to make an educated and knowledgeable judgment.

TERRY PRESTON
CASTRO VALLEY, CA 94552
510-582-4179

Flemming, Michael, CDA

From: GWNA Admin <ann@grovewayneighborhood.org>
Sent: Monday, November 25, 2019 5:27 PM
To: Chauhan, Nisha, CDA
Cc: Crawford, Marc, Castro Valley MAC; Adams, Dolly, Castro Valley MAC; Riche, Ted, Castro Valley MAC; Carbone, Ken, Castro Valley MAC; Cunha, Sheila, Castro Valley MAC; Moore, Chuck, Castro Valley MAC; Killebrew, Shannon, Castro Valley MAC
Subject: PLN2019-00024 Ruby CEQA Comments 11/25/19
Attachments: CEQAletterGWNA.pdf

Attached please find the comments from Grove Way Neighborhood, incorporating resident members from the Grove Way area, including the Tanglewood, Shadyspring, and Bridge Court resident associations. Thank you.

RE: Grove Way Neighborhood Response to Ruby Meadow project PLN2019-00024 (formerly PLN2018-00167 and including PLN2019-00006) California Environmental Quality Act (CEQA) Community Plan Exemption Documents Involving Alameda County Parcel Numbers: 415-230-002, 415-230-003, 415-230-005, 415-230-011, 415-230-012, 415-230-013, 415-230-014, 415-230-015, 415-230-016, 415-230-017, 415-230-018, 415-230-019, 415-230-021, 415-230-022, 415-230-023, 415-230-024, 415-230-069, 415-230-070, 415-230-072, and 415-230-073.

I, Dr. Ann E. Maris, am a Castro Valley resident and represent our local neighborhood group, Grove Way Neighborhood Association (GWNA). We have no resident-members who are professionals in any of this planning or environmental analysis, but **we whole-heartedly know that this development is wrong for our neighborhood and for the greater community**. We object to the County's approval of the streamlined CEQA because the project does not comply with the Castro Valley General Plan Land Use Designations and has many site-specific considerations that were not fully examined. The process of a full Environmental Impact Report is required to properly analyze impacts to the site and surrounding neighborhood.

Zoning Designation

The County has made it very difficult for neighbors to know what is going on at this site. Even in this CEQA comment process, only the Draft CVGP EIR is available on County's website. No CV General Plan was available at the CV Library until GWNA put it there in 2019. Extensive pre-planning and feasibility studies, paid for with public money, have occurred without public input. We consider that County's avoidance of public input early in the process constitutes suppression of highly relevant information and has therefore not provided residents with time nor resources to achieve a full understanding of the environmental impacts and planning issues. The County appears to be making little to no effort to protect irreplaceable resources at the Ruby Meadow site for our lasting environmental health, community welfare, biodiversity preservation, and historical record. It seems that the Alameda County Community Development Agency's mentality is to push this project through *at any and all costs*. In

addition, Linda Gardner, Director of Housing and Community Development, has solicited community members for letters of support for the development, while residents have no County advocate.

Castro Valley General Plan Zoning in the 238 Properties

Zoning and lot lines in the twenty (or more) former 238 freeway parcels have been changed without any public knowledge or input. At the time of the Castro Valley General Plan adoption by the Board of Supervisors (2012), most residents were unaware that the freeway had been cancelled in 2010 and that County zoning would now have relevance after *fifty years* of non-relevance. We were not informed that we had a critical resource nor were we invited to partake in critical decision-making involving our neighborhood. The community knows best and cares most for its residents and for the long-term economic and environmental stability of the area.

Residents have repeatedly asked Caltrans, the City of Hayward, State representatives, and the County what will be going on with the 238 parcels in our neighborhood. Information has been vague, obtuse, incorrect, or absent. The subject of the Castro Valley 238 parcels finally came to the CVMAC for the first time in January 2018, and the 238 subcommittee was created. On August 13, 2018, the Ruby Meadow project (PLN2018-00167) was first presented to the CVMAC, but neighbors were unaware, uninformed, and not present. One community member happened to be there and spoke about his concern for the creek protection. We have received no updates, to-date, from the 238 subcommittee except to verbally notify its audience about the Hayward's March 14, 2019, Parcel 8 & 9 meeting.

May 9, 2019, County Planning and CVMAC held a public study session regarding Castro Valley zoning implementation (no meeting minutes available). Many residents packed the room to express concerns about zoning in the former 238 parcels. At the next CVMAC Zoning Implementation Presentation, May 13, 2019, residents raised concerns that zoning in the 238 parcels had never been discussed (meeting public comments attached). Again, at the June 10, 2019 CVMAC, residents complained that the upcoming zoning implementation for the Castro Valley General Plan included the Ruby Meadow project site, but there had never been any public discussion about the zoning in the 238 parcels (meeting public comments attached). There is no plan for the almost 30 acres of developable Castro

Valley 238 property, let alone a cohesive, balanced plan that neighbors have had a chance to weigh in on. County accommodated neighbors by pulling the 238 properties from the zoning implementation and holding a special CVMAC public meeting regarding their zoning and use.

The special CVMAC meeting regarding zoning in the Castro Valley 238 properties took place on 8/26/19. The meeting minutes, including our discussions specifically about Ruby Meadow, are still not available as of 11/24/2019, but comments echoed the previous zoning implementation meetings.

The Alameda County Planning Department staff report for the 8/26/19 CVMAC states "a few" 238 parcels had already had their density up-zoned but does not describe which. The project background states that both the Castro Valley and Eden Area plans "*were in their final stages of completion when disposition of the 238 parcels began*," *which is not accurate*. The Alameda County General Plan Annual Report for 2017 provides the date of last major revision of the Eden Area plan, which was March 2010. This is <u>before</u> the 238 freeway project was rescinded, and property disposition did not begin until appraisals were completed in 2011/2012. The last major revision of the CV General Plan was March of 2012, but once again, neighbors were not notified that freeway was finally officially rescinded, after decades of ongoing legal disputes, or that the County zoning would now have relevance.

<u>238 Land Use Study</u>

The project background of the 8/26/19 staff report goes on to say that "*from 2007 to 2009, the County participated in the preparation of the City of Hayward's Route 238 Bypass Corridor Land Use Study, which was funded through a Community-Based Transportation Planning Grant from Caltrans*". The result of this publicly-funded study was an overall plan for the use of the 238 properties *in both Hayward and unincorporated County*. In 2009, the City of Hayward adopted both the study and the zoning changes necessary to implement the plan. The Ruby Meadow project site was designated to remain *open space*. Zoning reflects these decisions on the City of Hayward parcels of the Ruby Meadow project (possibly 415-230-69, 415-230-72, 415-230-73) but Alameda County zoning does not reflect the land use study's recommendations and conclusions. When did Alameda County decide not follow the land use recommendations?

The 8/26/19 staff report concludes the project background section by stating, "*During this process, County staff sought input from the CVMAC regarding appropriate land uses for the unincorporated corridor parcels at public meetings, including a field trip to the properties*". It is unclear to which process the report is referring, and the word choice suggests the process was the 238 Land Use Study. However, neither meeting nor field trip occurred prior to the 8/26/19 CVMAC. I believe and understand that the public meeting mentioned *was* the 8/26/19 meeting. The "*field trip*" took place on 8/19/19, the week prior to the CVMAC public meeting and was not a past action like the report suggests.

Route 238 Master Development Plan

The staff report describes that some zoning in 238 parcels will be increased, and some zoning will be decreased. County Planner Horrisberger explained to me that residents had not been notified of these zoning changes at the time of the Castro Valley General Plan because it was a large, overall change, and residents are only notified of smaller changes. The staff report cites the Route 238 Master Development Plan, which has never been revealed to the public, if it exists. The Hayward process seems to create Master Development Plans for each development area, not one Master Plan. The closest we have seen to a Master Plan is the 238 Land Use Study which is being disregarded by County Planning.

Biological Resources Overlay Zone

The outcome of the 8/26/19 CVMAC, as I witnessed and recall it, was that the councilmembers commented to County and the developer that public should be allowed input on the Ruby Project CEQA documents, which they claimed was not required. At this point, to claim the zoning is already determined and the streamlined CEQA is appropriate is not fair to the public process since the zoning implementation process for these parcels is still underway. We have alternately heard some parcels were rezoned and no parcels were rezoned. There is public confusion between Zoning District, Zoning Designation, Existing Land Use, Proposed Designations, and Overlay Zoning. County Planner McElligot said that any future zoning changes don't matter because the zoning in place at the time of application

is applied to the project. Regardless of the zoning, the majority of the project parcels are in the Biological Resources Overlay Zone (BROZ), which is repeatedly cited in the Castro Valley Environmental Impact Report as the reason many impacts will be avoided. The BROZ is not mentioned in the 8/26/19 Staff report.

2015 County Housing Element

The 8/26/19 staff report discusses the 2015 Alameda County Housing Element (ACHE) and states that, within the 238 parcels, the Housing Element Sites Inventory provides capacity for 185 residential units. Staff claims that "*If the permitted land use on any of these parcels were to change from residential to another use, or if the permitted density were to be significantly reduced, the County may be required to identify other properties within the Unincorporated Area that could be rezoned to a higher density to make up for the lost capacity to accommodate its RHNA.*" This is an absurd claim regarding zoning in the Ruby Meadow project because only 29 units are in the 2015 ACHE, which are easily made up by denser building in other neighboring 238 parcels which are not in the BROZ. Table 1 summarizes the zoning, land use, planning, and housing element data on the twenty Ruby Meadow parcels being combined by this project. Only seven out of the eleven parcels comprising the new parcel A, which is the developed site, are in the 2015 Alameda County Housing Element.

We disagree with the purpose of combining of twenty parcels into three new parcels because it, in effect, changes the BROZ, which changes the zoning to accommodate the project. Housing density bonuses are inappropriate when zoning has been changed to accommodate the project and the Community Plan exemption is not appropriate because the project is not consistent with the Community Plan.

General plan elements are required to be consistent with each other. The seven state-required elements are land use, open space, conservation, housing, circulation, noise, and safety. The elements are not consistent with regard to zoning in the Ruby Meadow project. Ten out of the twenty project parcels are listed in the 2015 Housing Element. Their Community Plan Designation is "unspecified" and proposed to be residential medium density multifamily. The County zoning district of these ten parcels

is R-S-D-20. Five of the housing Element parcels are also located in the CVGP BROZ. **These five parcels in the highest priority BROZ are also the parcels on which the project places the majority of development, in the new parcel A.** Allowing construction and almost complete coverage in the BROZ, and concentrating development in the highest priority BROZ, rather than areas outside the BROZ is inconsistent with the General Plan Goals, Policies, and the CVGP EIR.

A principal issue underlying problems with the (1) environmental analysis and (2) general plan consistency is that twenty lots were combined into three lots by the developer. Alameda County ordinance does not require a public comment period and allows administrative approval by the Planning Director. However, these lot line changes and boundary adjustments have not yet been recorded by the Alameda County Recorder's office.

Boundary Adjustment (PLN2019-00006) and Lot Line Changes were used to create 3 new parcels (A, B, C). The Boundary adjustment application, Item 4, states that the developer may need to submit additional information…after final action on the application… before the project can be implemented, including but not limited to the following:" information for CEQA review, information to clarify or address questions raised by interested parties or **the general public** who submit written or oral testimony at the hearings, revised plans, or additional required materials. The developer's stated purpose in their boundary adjustment application was to build housing and protect the creek, but we believe the purpose was to avoid the BROZ and to build in sensitive habitat.

Page 16) Parcel C, riparian corridor management and protection plans are unclear because "personal communication" is cited, and no documentation or specifics is provided. Considering that the purpose cited in PLN2019-00006 for changing the lot lines was to protect the creek, a solid plan should be in place. All of the responsibility is placed with Alameda County Flood Control and Water Conservation District, but none of the cited personal communications are from the Flood Control District representatives. Once again, the zoning is dependent on the lot lines and it is unclear what the zoning will be in parcel C since zoning implementation is still in process for the 238 parcels. Table 1 shows that 6 out of the 7 parcels combined into the new Parcel C are in the BROZ, but zoning varies in them.

Grading the creek bank to dump the project's storm water into the creek is not protecting the riparian corridor and is wrong. The "minor grading" cited would drop the bank approximately 4 feet below the adjacent trail, which is not minor.

Although the property is directly adjacent to the City of Hayward boundary, zoning, special districts, and historic districts (City of Hayward GIS), Hayward's environmental and development parameters of the bordering parcels are not discussed in the CEQA document. The "two small parcels" in the City of Hayward (page 1) is inaccurate because the Hayward parcels are 0.76 acres (415-230-73), the third largest parcel, and parcel 415-230-72 is the eight largest of twenty parcels at 0.23 acres. The project site was owned and then subdivided in 1892. William Knox, Sr. obtained the site directly from Guillermo Castro. Site-specific relevance and historical roles of the Knox Water Works, the pioneer Knox family, Ruby Street (named for Ruby Knox), and the Knox Tract are barely brushed upon. The CEQA document claims nothing of the Knox Water Works could be reconstructed, which is incorrect. William Knox patented a boulder moving device that could be reconstructed by students as an educational resource. Large boulders are stacked in the creek banks which could have been placed there by Knox's boulder-moving device. This is a site-specific and off-site impact because these resources will be lost by building this project. No description or is given of the role of Knox (and his contemporary Meek) during the early days of the Eden Township or how instrumental Knox was in early development. This specific site holds undescribed value in the creek banks, the rocks, the trees, the grasslands, and their relationship to their surroundings. None of the impacts of paving over and building on this has been effectively discussed. The impacts to this site-specific history was not thoroughly examined and are more severe than described in the EIR or CEQA Exemption. In addition, the project site could easily have been a stopping point for the de Anza exploration and no data is presented describing how one site was chosen over another (Hayward chose a location at Foothill Boulevard).

Page 17) "Required Approvals" is confusing because lot merger approval is listed but has already been approved by planning director with no public input (perhaps this CEQA process is a public comment period for boundary adjustments but nobody was told that?). Is this a list of required approvals that

have been obtained or are still needed? It is unclear. The Planning Director already approved the CEQA Exemption but that is not on this list. Does this mean other approvals that were required have already been obtained, or not, such as from the Fire Department or the peer-reviewed soils report?

Page 22) Project Consistency with General Plan and Zoning.

Although the base zoning appears to accommodate the residential development, this zoning is from fifty years ago, before the 238 freeway was proposed, before the 238 freeway was rescinded in 2010, and the on-going zoning implementation process has not yet finalized what the zoning will be in the former 238 properties. It is negligent of the County to approve such a large development, with such extensive coverage, in an area of the highest priority biological resources. The biological assessment was not thorough, for example no raptors were identified although neighbors have frequently photographed raptors around our homes, migrating birds were not evaluated nor discussed although we see egrets yearly in our neighborhood, no bats were identified although this is a prime location and bats have always been here, no discussion of the cumulative effects that has already caused the losses of steelhead and frogs was discussed, no discussion of biodiversity or impacts to the food web was discussed, no alternative sites for the project were considered, and procedures have not yet been established to implement the Biological Resources Overlay Zone. The CEQA frequently cites the General Plan Actions, which are future goals often not yet implemented and have not yet gone through the required process (pgs. 20, 25, 33, 41, 44, 48, 54, 57, 67, 68, 69, 70, 73, 74, 80, 82, 89, 90, 91, 93, 104, 115, 117, 118, 136). CEQA code, Section 15183, requires the project requesting the streamlining exemption to be, "**consistent with the development density established by existing zoning, community plan, or general plan <u>policies</u> for which an EIR was certified."** The danger of following Actions instead of Goals and Policies is that changes are normally made during the implementation process. For example, an Action might suggest "50%," but during the implementation process the specific percentage might be changed to 100% under certain circumstances. We just don't yet know because the implementation process has not yet happened. Besides following existing laws and ordinances, the most weight should be given to the vetted Castro Valley General Plan Goals and Policies, or to Actions which have been already implemented, not to unimplemented Actions. Page 23 concurs that CEQA law requires the project to comply with <u>policies</u> identified in the General Plan EIR.

Page 96) Land Use and Planning, Criterion "I." Although the County maintains that the project is consistent with the Castro Valley General Plan and zoning, the zoning on the site itself is, and has been, the subject of Phase I of the CVGP Zoning Implementation. County maintains that any zoning changes that may occur within the site a) have no relevance because the project is eligible for the zoning at the time of application, so changes won't matter, and, b) the proposed zoning changes maintain the housing density, so the changes don't matter. These arguments avoid the facts that community has not yet had a chance to weigh in on, or been informed of, zoning changes and plans that have been taking place at the project site and will consist of amendments to the Alameda County Ordinance. Community deserves a chance to weigh in on serious changes in land use as proposed on this Ruby Meadow site. These arguments ignore the fact that, recently, once neighbors were informed and included in the process, there was an overwhelming majority of community opinion that Ruby Meadow must be preserved as a biological, historical, and cultural resource. The land itself, its existing contents, and its current role are important to maintain the character of our existing neighborhood, a primary purpose of the zoning ordinance itself.

The General Plan EIR found all land use or policy impacts to be less than significant because xxx. The land use percentages are not actually correct because of overlapping land uses, such as in Ruby Meadow where the stated existing land use of the twenty plus parcels is "public." The existing land use of these Caltrans 238 properties was actually residential and open space, which is not indicated, so consequently improperly calculated and analyzed when impacts of anticipated zoning changes are discussed. Obviously, going from riparian oak woodland habitat to a paved set of parking lots and a 52-foot tall building in a project that removes 90% of the existing trees (many old growth habitat) is a severe impact, which is not acknowledged in the CEQA exemption.

Criterion 1.a and 1.b: The CEQA document state that this site "is surrounded on all sides by urban development" which is not true. The Parks and Open Space zoning in at least two of the project parcels (415-230-72 and -73) is not discussed here.

The large building and extensive parking lots do conflict with the existing land use pattern which is primarily a single-family neighborhood with a few multi-family buildings and the H.A.R.D. Senior Center complex. This is a very quiet, peaceful, and nature-oriented location full of wildlife, which will drastically change with this development. The existing land use in the Castro Valley General Plan is "public" and community has not yet had a chance to participate in new uses for the land (see above general comments about inappropriateness of CEQA exemption). The CEQA document mentions that the land use compatibility will be reviewed later during the site development process, but the impacts to this neighborhood are peculiar to this project site, much more severe than described, and not fully disclosed in this CEQA document, and will cause multiple off-site impacts due to this project's land use being much more dense and not in character with the immediately surrounding neighborhood. Changing the land use from low to no residents and extensive wildlife habitat to a dense and tall apartment building is a conflict with the existing land use pattern. The fact that other projects have been approved by the City of Hayward on the other (Hayward) side of the creek is not explained and is also not a reason to destroy this existing land use. It will cause severe impacts to the residents, the community, and to populations in neighboring communities which deserve the opportunity to observe nature and wildlife in its natural state.

For example, although the neighboring sites across Crescent Avenue are also zoned for higher density, development will not happen there due to its location of the Ohlone Site CA-ALA-566. These properties are also part of the current zoning implementation process. The trail proposed by this project is not along the San Lorenzo Creek as described in this section. The trail is proposed within the development of the new Parcel A which will not connect the public more to the creek, which is already fully accessible nearby. In addition, the meadow and creek area here are located in the CVGP Biological Resources Overlay Zone, because it is a sensitive environmental resource. The public trail location has not yet been determined in the General Plans and may instead be relocated to the street at this site

due to trail standards and wildlife habitat. The project will divide existing community by removing and/or blocking from view the nature at the riparian habitat that is a valuable part of the community here.

Criterion 1.c: The Castro Valley General Plan EIR clearly says ROSA cannot be used in CEQA analysis because it does not yet exist (page 3.5-1). The CEQA incorrectly says in section 1.c that the project does not cause a significant environmental impact due to conflicts with the General Plan, Specific Plans, or the Resource, Open Space, and Agriculture Element (ROSA). ROSA has not yet been completed, so the current documents that must be considered are part of the Alameda County General Plan Open Space, Land Use, and Conservation Elements—1973 Open Space Element and 1977 Specific Plan for Areas of Environmental Significance (SPAES). Goals and policies in these two documents have neither been mentioned nor discussed in this CEQA exemption document. Portions of these two documents are found in the CVGP, but the CVGP does not supersede SPAES which is a current component of the Alameda County General Plan (General Plan Annual Report, 2017).

Specific Plan for Areas of Environmental Significance (SPAES)

The SPAES defines a riparian area as "the vegetation or wildlife dependent on or associated with any of" the riparian area definitions listed in the SPAES (page 8), which includes the San Lorenzo Creek riparian corridor. The CEQA and project documents incorrectly define that the grasslands and scattered oaks are not part of the riparian corridor, when these features are essential to riparian wildlife. The SPAES defines the riparian area as those components which form the environmental focal point.
The SPAES states that "The Riparian Area of Environmental Significance will normally be considered the demarcation line between the vegetation zones of wetland and upland" but will extend to other bodies of water so that all riparian vegetation is included. The difficulty with the definition of the riparian area is the project site is that cumulative damages have already occurred due to mis-use by fifty years of Caltrans management and urbanization beginning in the late 1800's. These cumulative effects at this specific project site are not examined in the CEQA exemption nor the EIR. They are impacts specific to this site and are more severe than discussed in the EIR. The impacts to Ruby Meadow were not analyzed as significant but they are because wildlife, including migratory water fowl need not only the

creek and its banks, but also the adjacent open space grasslands with scattered mature Oaks. Areas that can be restored and could support the required riparian biodiversity should be restored and conserved, not further degraded. In fact the CVGP EIR discusses the need for “replacement mitigation required for riparian woodland habitat and wetlands removed by development.” Why remove more sensitive habitat when our goals are to recognize and preserve these areas?

SPAES says that the procedures to protect habitat “will apply to all development totally or partially within these corridors.” By changing the lot lines and creating three new parcels out of twenty, the project developers are attempting to avoid and redefine the established BROZ. The policies, goals, objectives, and actions found in the CVGP and its related documents all support meaningful and productive land use. The CEQA exemption denies that this sensitive habitat exists at this specific site, it denies the importance and relevance of this specific site to the neighborhood, it denies that the site is the richest in our area for cultural, historical, biological resources. The site-specific features are mentioned but then disregarded as being significantly impacted by this project. The site-specific features are not thoroughly analyzed and will require a full EIR to understand the severity of the impacts.

The CVGP EIR lists significant impacts will occur if buildout proposed by the General Plan would physically divide an established community, which this project will by blocking and removing the usual presence of the Ruby Meadow and its wildlife in front of the creek that everyone sees as they drive by on Ruby Street.

The CVGP EIR lists significant impacts will occur if the type of land use is significantly changed; see CVGP Figures 4-1 (existing) versus 4-2 (proposed) which changes the “public” land use in Ruby Meadow to residential. These impacts are not examined. In fact, what development and what impacts will occur on the entirety of the almost 30 acres in our neighborhood of former Caltrans 238 properties are not examined nor described.

The CVGP EIR states that “the existing Alameda County Resources Conservation Element (RCE) requires the County to locate uses or development that would seriously impact or jeopardize biological resources *away* from areas with significant biological resource value.” The RCE requires the County to prioritize the preservation of lands that should be left substantially undeveloped. The RCE also requires the County to encourage protection and restoration of sensitive and rare habitat types, including native grasslands, riparian woodlands, and to designate sensitive habitat areas (which the CVGP may have done in designating the BROZ shown in Fig 7-2). If County ignores the efforts, plans, and purpose put into preserving and restoring sensitive areas, what was the purpose of pretending like it is important to do?

Over and over, in the CVGP, the BROZ is cited as the reason any impacts due to land use will be reduced or nonexistent (Page 3.5-21). The EIR recognizes the value of preserving creek areas because they serve as movement corridors for wildlife. The County and the developer suggest that wildlife does not need Ruby Meadow and the neighborhood will not be impacted if wildlife is constrained to the immediate creek setback. The EIR and CEQA do not discuss the effects of placing a large and tall development directly adjacent to sensitive habitat, and do not discuss whether this human activity will impact any wildlife that could use this valuable habitat space. This is not a vacant lot the project is proposing to develop on, although our neighborhood has many alternate sites which are vacant lots. An alternative site is not considered.

SPAES policy, which is currently in effect: Policy 4) If the environmental limitations warrant, most development may be prohibited in certain cases. This actual component of the certified General Plan supersedes the hypothetical 50% less development that may be required by the not-yet-implemented BROZ. SPAES Policy 8) The long-term preservation of natural and seminatural riparian areas and wildlife habitat shall be a guiding criterion in public decisions. Site Development Review implementation would not occur until the riparian corridor study was completed for any watercourse. This CEQA exemption does not rise to the level of a riparian corridor study, which might be accomplished as part of a full EIR.

Please reconsider the approval of this CEQA exemption and boundary adjustments. The proposal is extremely detrimental to the neighborhood, both in the short-term and in the long-term. The site contains irreplaceable resources that should not be taken from the community. The project requires many waivers and exemptions in order to fit such a large project in such a tiny space. No alternate project sites were considered where the impacts would not be so severe. Relevant figures and an incomplete list of CEQA document errors is provided below.

Sincerely,

Ann E. Maris, PhD
1490 Grove Way
Castro Valley, CA 94546
Organizer Grove Way Neighborhood Association
Chair, My Eden Voice Parks and Open Space Committee

CASTRO VALLEY

MUNICIPAL ADVISORY COUNCIL

Advisory to Supervisor Nate Miley, 4th District

224 W. Winton Avenue, Suite 111, Hayward, CA 94544 (510) 670-5400 FAX (510) 785-8793

GENERAL PURPOSE MEETING

Monday, January 29, 2018
6:00 p.m.

Council members present: Marc Crawford, Chair, Sheila Cunha, Dave Sadoff, Chuck Moore, Linda Tangren, Ted Riche

Location: Castro Valley Library – 3600 Norbridge Avenue, Castro Valley, CA 94646

Summary Minutes

II. City of Hayward's Ownership of former Caltrans Properties in Castro Valley

Kelly McAdoo, City Manager, City of Hayward, Patrick O'Keefe, Management Partners, consultant, for disposition, Kevin Briggs, Senior Civil Engineer, City of Hayward.

After Caltrans abandoned its plans for the 238 Bypass Freeway project in 1971, now more than 40 years, later approximately 50 individual parcels have traded hands from state ownership to the City of Hayward.

In 2009, the City entered a Settlement Agreement with Caltrans in which the parcels were determined surplus and designated for sale. In order to ensure that future development of these parcels aligns with the City's land use policies and overall vision, the City has negotiated a Purchase and Sale Agreement with Caltrans to assume responsibility for the sale of these properties to private developers. The parcels are combined into 10 separate groups, of which 8 will be planned by Design Workshop.

The City of Hayward will purchase, plan and sell the parcel groups before the expiration of the Purchase and Sale Agreement with Caltrans in January 2022. Throughout 2018, the City will work with the selected master plan design team on development concepts.

This process will allow the City to facilitate the public input process, plan associated infrastructure upgrades, and conduct the environmental analysis needed. Upon completion of the Master Development Plan, the parcel groups will be offered for sale through a Request for Proposals (RFP) process to evaluate specific development plans submitted.

Speakers

Ted Crofton is concerned about loss in property values and also stated that there were problems with the CalTrans ownership of the properties. Also the property is on the Hayward fault.

Frank Goulart, Hayward resident, expressed an idea to connect the Ridge Trail and the Bay Trail.

Patricia Ruiz, homeowner, lives on Gary near Grove, has children, pets on- no one is talking about infrastructure and roads, more residential living and the roads are so congested would hate to see more; think about the animals, having a quaint area to call home, massive traffic, better roads and just looking for financial gain.

Helena Weiss-Duman, thanked Paul Sanftner, putting together this meeting and she plans to use this forum to stay informed.

Susan Hull, since lived there has had 4 fires from homeless encampments; very hard to get someone to clear homeless individuals out; what is the process to upkeep the property.

Jason Lovely Gail Drive, closure by Strobridge, directly correlates to the two development sites; mixed use, this is a good opportunity to have the developers foot the bill for the majority of the restructuring of the roads and put in a park.

Aaron Powell, bought the house because of the bay view, concerned about the view disappearing. Great deal of wildlife; will this be steered toward development?

Abandoned boarded homes, what are they going to do immediately to make it look better?

Larry Williams asked how to stay informed on what is going on with the properties.
(Mr. Williams was referred to the City of Hayward website in addition to City of Hayward Code Enforcement (510) 583-4143.

Discussion from MAC

Dave Sadoff supports keeping the wildlife trail.

Linda Tangren asked if the City of Hayward has any plans to annex the properties that fall within the Castro Valley General Plan area.
(The City of Hayward has no plans to annex the properties.)

Sheila Cunha stated that the City of Hayward has a right to develop the properties but the subcommittee will work with the City of Hayward to make sure that whatever goes there works with Castro Valley.

Approval of a Castro Valley General Plan amendment should have a financial benefit to Castro Valley.

The MAC will create a subcommittee to work with the consultant and the City of Hayward on the development of the properties.

III. CalTrans Properties Nuisance Issues (Grove Way)

Mark Shindler, Cal Trans Representative, stated that he was available to answer any questions the community has about the CalTrans Properties. The properties will be demolished within three to six months. Mr. Shindler apologized for the blight and ill-management of the properties, however CalTrans has spent several thousands of dollars on weed abatement and clean-up of the properties with the assistance the Sheriff's Office and the California Highway Patrol.

Speakers

Helen Weiss-Duman thanked community members for attending the meeting and distributing flyers.

Chris Lilley stated that the properties are in total disarray and it is not fair to the residents of the Baywood area; He has called Cal Trans several times with no results.

Dan Duman stated that the community should consider this an opportunity to partner with the City of Hayward and educate them on what the needs are and reach out in a positive way.

Albert Aguilar is concerned about traffic that is going to be caused by high density housing. There are animals and children in that neighborhood. What is going to be done about mitigating the traffic?

Tyler stated that a “silver lining” is that residents do not live under a freeway.

Sergeant Brett Schueller stated that the area has been a nuisance with recent homeless encampments; the Sheriff’s Office is familiar and tries to address the situation as best as possible. Cal Trans has been very responsive.

Ted Crofton stated that the homeless issue is a completely different issue,

Pennie Savage asked about other homes in the area that are in disarray.
(Cal Trans does not own any more houses in the area)

Steve Perea, Commander, California Highway Patrol (510) 581-9028
Creating a briefing item to get the CHP to drive the properties about three times per day.

5/9/19 CVGP Zoning Implementation Workshop: Public Speaker Comments

1. Ashland, Eden Housing/First Pres Church Zoning problem ?? Community Commercial zoning Meeting 6/6/19
2. Cherryland, Important to save **Ruby Meadow**. Audience pointed out CVGP Figure 4.1. Planner Horrisberger claims Ruby Meadow was not CalTrans property and is corrected by CVMAC and audience; directs public to talk to Planner Nisha Chauhan for Eden Housing/Ruby Meadow project.
3. CV, WELO has new standards, lists many issues in CV which CVMAC says they know and will work on.
4. Does Community Commercial allow residential?
5. Zoning implementation needs to consider open space/parks and recreation, studies show necessary for mental and physical health. Damage natural land—destroy ecosystems. UN report on massive loss of biodiversity. Bees go, we all go.
6. Health and Wellness, Gavin Newsom, lots of new housing—also need to provide parks (not schools or undevelopable land), keep higher density near transit, do not build in **Ruby Meadow**. Not enough local parks to go toss a ball with child.
7. Need to save waterways, importance of creek, San Lorenzo Trail, higher density okay, but in correct location.
8. GWNA spoke about the need for an plan for the Castro Valley Former CalTrans 238 land including Ruby Meadow and Oak Street--CVGP Fig 4.1 blue area at CV-Hayward border, creeks, hills, problems with zoning, inconsistencies in CVGP, actual land use over 50 years of CalTrans, neighborhood neglected in planning 2012 CVGP, neighborhood cannot support dense housing, traffic. U zoning on CalTrans 238 property. When was zoning changed? Private homes changed from R-1 with no notice. CVMAC said they would meet w GWNA to discuss.
9. Affirmed audience sentiment about saving creek and habitat in **Ruby Meadow**, protect creeks
10. Health and Wellness--County plan, but not being followed, community health, Ashland has seven 7-11 stores and does not need another one at Mattox/Foothill, what about Air B&B in zoning? Hotels? CVMAC to Planner Horrisberger: prohibit? Conditional use? CUP will look into it
11. Importance of wildlife corridor must have enough space to function as habitat, save **Ruby Meadow**, Asked Planner Horrisberger about application status. EIR required? CEQA? Planner says Ruby Meadow zoning was not ever U, has been RSD-20 for at least 50 years, RLM zoning. Audience asks about all twenty parcels. Directs
12. Building height in zoning? Quimby Act--area has 1/10 the open space required, San Lorenzo Creek, Schools aren't parks.
13. Local deer need more habitat than just his backyard to survive. Save **Ruby Meadow** and local open space. Regularly sees deer, turkey, opossum… in area, CV creek damaged by erosion, trash flow from culverted upstream creeks. Creeks need protection.

Public comment was taken.
Rebecca Stanek-Rykoff, 2754 Somerset Avenue, Castro Valley, spoke of the General Plan Implementation workshops and asked for transparency throughout the process, the housing crisis in Castro Valley, the need for mixed use businesses and to improve the walkability of Castro Valley.

Michael Kusick, 18366 Carmel Drive, Castro Valley, spoke of the need to solve the parking problem within Castro Valley and to build a walkable community.

Ann Maris, 1490 Grove Way, Castro Valley, spoke on behalf of the Grove Way Neighborhood Association and believes that no zoning changes should be made to 238 Caltrans property.

Jake Medcalf, 18590 Carlton Avenue, Castro Valley, with First Presbyterian Church of Hayward, spoke with the Council regarding zoning changes, the need for more affordable housing and mixed-use buildings in Castro Valley.

Ron Kilby, 4932 Lone Oak Place, Castro Valley, with First Presbyterian Church of Hayward, spoke of the housing crisis in Castro Valley and the need for mixed use properties.

Chizu Buckalew, 2490 Grove Way, Castro Valley with First Presbyterian Church of Hayward spoke of the housing crisis in Castro Valley, the need for more local jobs and a walkable community.

Roxann Lewis, asked that the Council review the inconsistent zoning for the Madison area and gave examples of the inconsistancies.

Micheal Freed, 855 Hampton Road, Castro Valley, spoke of the outdated open space element of the General Plan.

Meta McAulay, 19054 Almond Road, Castro Valley, spoke about the zoning for the 238 Corridor property and asked when zoning changes had been made to this area.

The Chair stated the revisions to the General Plan were done in 2005 and that the item before the Council is the implementation of the changes that were previously approved.

Peter Rosen, spoke about the need for more parking downtown, mixed use properties, and that the Council find a way to engage the public better for the General Plan Implementation process.
Public comment was closed.

The Chair addressed the confusion regarding zoning districts that currently do and do not exist, and the history behind mixed use properties and residential. He clarified that zoning changes cannot be made through this current process, that this was done previously and addressed the concerns from the public that the General Plan Implementation information is hard to process.

Public comment was taken.
Michael Kusiak, 18366 Carmel Drive, CV spoke of the need to find alternative ways to engage the public in this process and reach out to parts of the community that aren't usually engaged.

Dr Maris, 1490, Grove Way, CV, spoke on behalf of the Grove Way Neighborhood Association, asking that the Council make a recommendation to Alameda County that policy look at the former Caltrans 238 lands at the boarder of Hayward and Castro Valley and that zoning is not changed to a higher density.

Ann Maris, 1490 Grove Way, CV, spoke about not wanting her home rezoned to RSL with a higher density and that she was not involved in the decision making for the re-zoning. The Chair suggested having a special CVMAC meeting dedicated to the Caltrans 238 properties and the issues they face.

Alan Fishman spoke on behalf of himself and the Grove Way Neighborhood Association, siting inconsistancies with the zoning on these properties and the need to protect Ruby Meadows as a natural resource.

Tyler Dragoni, 18596 Haven Street, Hayward, asked that the community have input on the re-zoning of the Caltrans 238 properties and spoke of the lack on infrastructure in place to handle what is proposed.

Marvin Dishel, 1614 Knot Street, CV, spoke of his dislike for Caltrans and concerns regarding parking for the proposed 238 Hayward projects.

Bruce King agreed with the Chair that a special CVMAC meeting is needed for the Grove Way neighborhood to look at the zoning needs and spoke of the natural resources that need to be preserved.

Charles Pisano, 377 Perkins Drive, Hayward, agreed that a special CVMAC meeting is needed regarding the Grove Way neighborhood.

Don Osborne agreed that a special CVMAC meeting is needed regarding the Grove Way neighborhood and requested that Nate Miley attend the meeting.

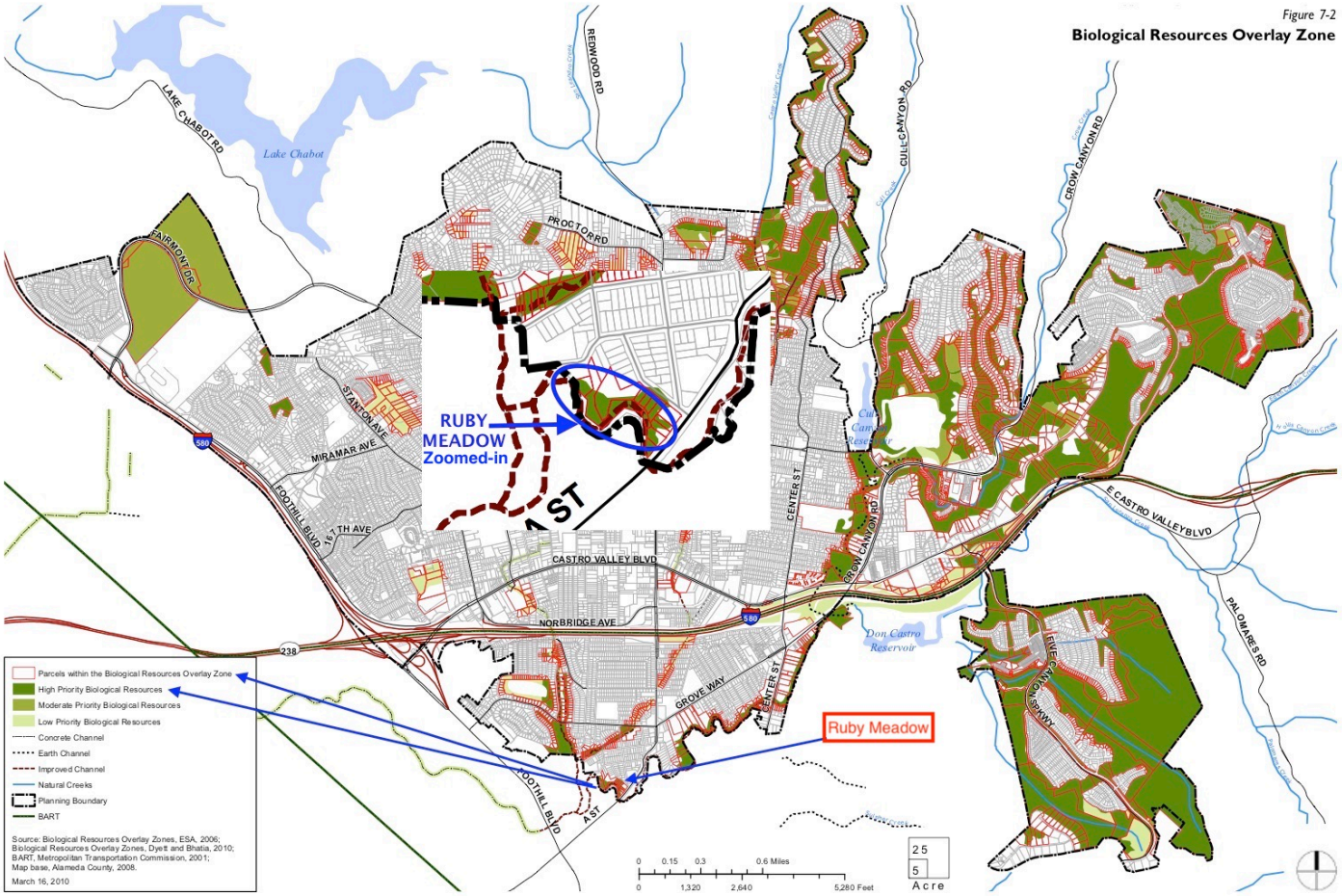
Peter Rosen spoke of the need for community involvement regarding the zoning of the Caltrans parcels and agrees that a special CVMAC meeting is needed for this neighborhood.

Kristine Stanley, 1728 Crescent Avenue, CV, spoke of the lack of public participation in the zoning changes that are being implemented, the lack of Code Enforcement and the need for a CVMAC meeting to address the Grove Way Neighborhood and Ruby Meadows.

Amber Jayanti, 21670 Shadyspring Road, CV, spoke in support of having a special CVMAC meeting for the Grove Way neighborhood and the preservation of their natural resources.

Carmin Cerullo, 21578 Knoll Way, CV, spoke of the need for more public input in the zoning changes that are being made to the Grove Way neighborhood and the need to protect the natural resources of Castro Valley.

Marlina Rose Selva, 22572 Chestnut Street, Hayward, spoke of the natural resources that are being displaced, the change to the water shed in her area and the bio diversity that is being taken away.
Public comment was closed.



BROZ (CVGP Fig 7-2)

Parcel APN# 415-230-	Street Address	Zip Code	Square Feet	Acreage	2015 Alameda County Housing Element (ACHE) Community Area or Specific Plan Designation	Included in 2009 238 Study	ACHE within Creek Buffer	ACHE # units	2012 CV General Plan Existing Land Use	2012 CV General Plan Existing Zoning	General Plan Existing Designation	8/26/19 CVGP Zoning Implementation	CVGP Biological Resources Overlay Zone	New Lot Lines Parcel	% Estimated Development Coverage	ACHE Units in BROZ	ACHE Units Not in BROZ
69	CRESCENT AVE	94541	298	0.01	n/a	Y			Public		Parks & Rec	No, Hayward?	Y	C			
2	CRESCENT AVE	94541	298	0.01	n/a	Y			Public	RS-D-20	Res. Low Density Multi-family	Y	N	C			
18	RUBY ST	94541	5,240	0.12	n/a	Y			Public	RS-D-20	Res. Low Density Multi-family	Y	Y	C			
16	**22513 RUBY ST**	**94546**	**6,345**	**0.15**	Unspecified in current General Plan	**Y**	**Y**	**2**	**Public**	**RS-D-20**	**Res. Low Density Multi-family**	**Y**	**Y**	**A**	**100%**	**2**	
15	**RUBY ST**	**94546**	**6,439**	**0.15**	**Suburban and Low Density Residential**	**Y**	**Y**	**2**	**Public**	**RS-D-20**	**Res. Low Density Multi-family**	**Y**	**Y**	**A**	**100%**	**2**	
12	22459 RUBY ST	94546	6,694	0.15	Unspecified in current General Plan	Y	Y	3	Public	RS-D-20	Res. Low Density Multi-family	Y	N	A			3
21	1432 A ST	94546	6,933	0.16	Unspecified in current General Plan	Y	Y	3	Public	RS-D-20	Res. Low Density Multi-family	Y	Y	B			3
24	1404 A ST	94546	7,021	0.16	n/a	Y			Public	RS-D-20	Res. Low Density Multi-family	Y	Y	C			
17	**RUBY ST**	**94546**	**7,040**	**0.16**	Unspecified in current General Plan	**Y**	**Y**	**3**	**Public**	**RS-D-20**	**Res. Low Density Multi-family**	**Y**	**Y**	**A**	**100%**	**3**	
11	22447 RUBY ST	94546	7,471	0.17	Unspecified in current General	Y	N	3	Public	RS-D-20	Res. Low Density Multi-family	Y	N	A			3
22	1424 A ST	94546	7,596	0.17	Unspecified in current General Plan	Y	Y	2	Public	RS-D-20	Res. Low Density Multi-family	Y	Y	B			2
19	**RUBY ST**	**94541**	**8,378**	**0.19**	Unspecified in current General Plan	**Y**	**Y**	**3**	**Public**	**RS-D-20**	**Res. Low Density Multi-family**	**Y**	**Y**	**A**	**100%**	**3**	
72	ROCKAWAY LN	94541	10,154	0.23	n/a	Y			Public		Open Space	No, Hayward?	Y	C			
23	1418 A ST	94546	11,294	0.26	n/a	Y			Public	RS-D-20	Res. Low Density Multi-family	Y	Y	C			
70	**1473 CRESCENT AVE**	**94546**	**12,928**	**0.30**	**n/a**	**Y**			**Public**	**RS-D-20**	**RLM**	**Y**	**Y**	**A**	**50%**	**0**	
13	RUBY ST	94546	13,794	0.32	Unspecified in current General Plan	Y	Y	5	Public	RS-D-20	Res. Low Density Multi-family	Y	N	A			5
3	CRESCENT AVE	94541	13,893	0.32	n/a	Y			Public	RS-D-20	Res. Low Density Multi-family	Y	N	A			
73	ROCKAWAY LN	94541	33,085	0.76	n/a	Y			Public		Opne Space	No, Hayward?	Y	C			
14	**RUBY ST**	**94546**	**52,301**	**1.20**	**Suburban and Low Density Residential**	**Y**	**Y**	**19**	**Public**	**RS-D-20**	**Res. Low Density Multi-family**	**Y**	**Y**	**A**	**75%**	**19**	
5	**1481 CRESCENT AVE**	**94546**	**52,752**	**1.21**	**n/a**	**Y**			**Public**	**RS-D-20**	**Res. Low Density Multi-family**	**Y**	**Y**	**A**	**100%**	**0**	
				4.99													

Table 1. Size, zoning, Land Use, ACHE, and BROZ in the Twenty former 238 Parcels. Yellow shadow indicates parcels that are in both the protected CVGP BROZ and the new parcel A, which is the development site. Most of the parking lots and building is within the BROZ, not on less biologically significant sites.

Errors in the CEQA

Errors and Misstatements

1) 11/25/19 Staff report mentions a letter from HARD. This letter does not endorse the project but rather accepts a 0.3 acre parcel. The agenda description for the Board to discuss signing the letter erroneously described the project. Item 5.5, Hayward Area Recreation and Park District October 7, 2019 Board of Directors Meeting Agenda: *three-story* multi-family residential project, when the structure is actually a *four-story*, 51-foot tall apartment building.

2) Distances of Ruby Meadow to transit in the CEQA document: Ruby Meadow *is not* in a Transit Priority Area (TPA), as specified by the Associates of Bay Area Governments and Metropolitan Transportation Commission (ABAG/MTC). In addition, the distance tenants will have to travel to reach transportation is erroneously minimized by the CEQA document, regardless which driveway is used to calculate the distance. The below table calculates the distances from both proposed driveways, one on Crescent Avenue and one on Ruby Street.

			driving	walking
	1473 Crescent (main driveway)	CEQA	Actual	
580 On-ramp		0.65 mi	**0.8 mi**	**0.8 mi**
CV BART		0.7 mi	**1.3 mi**	**1.0 mi**
Hwd BART		0.9 mi	**1.3 mi**	**1.2 mi**
Bus 28 Stop		0.11 mi	n/a	**0.5 mi** (11 minutes)

			driving	walking
	22490 Ruby (other driveway)	CEQA	Actual	
580 On-ramp		0.65 mi	**0.8 mi**	**0.8 mi**
CV BART		0.7 mi	**1.3 mi**	**1.0 mi**
Hwd BART		0.9 mi	**1.1 mi**	**1.1 mi**
Bus 28 Stop		0.11 mi	n/a	**0.3 mi** (7 minutes)

3) CEQA exemption document states 42/58 trees are planned to be removed, but we counted 97 trees with 87 killed for development (90%).

4) CEQA page 41: mis-cites Action 7-1.2; should be 7-1.1

5) Fig 1-3 Existing Area View upper left is misidentified. These are the two-story apartments directly adjacent to the project. The 52-ft tall four-story building will be visible directly behind these apartments. The project building is to the south of these existing apartments, and will

therefore block existing tenants' sunlight and prevent existing tenant vegetable gardens. Figure 1-4, upper left, has the same existing apartments from the project site. The building and parking lots will fill the viewed area.

6) Fig 1-3 Existing Area View lower right is misidentified. This is the Douglas Morrison Theater. The building visible in the background is the Hayward Senior Center. The Japanese Gardens are beyond that building.

7) CEQA page 1, "two small parcels" is inaccurate because the parcels 73 is 0.76 acres, which is the third largest parcel. Parcel 72 is the eighth largest of twenty parcels at 0.23 acres.

Flemming, Michael, CDA

From: GWNA Admin <ann@grovewayneighborhood.org>
Sent: Thursday, November 21, 2019 1:02 PM
To: Chauhan, Nisha, CDA
Cc: Renee Sutton
Subject: PLN2019-00024

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Nisha!

In reading the CEQA document (page 61), I see an archeological dig was performed in 2014 at the Ruby site.

Do you have any information about who did this dig, i.e. the name of the archeologist and/or any information about the extent and/or location of the dig?

The CA-ALA-566 Ohlone site seems very significant at Ruby Meadow, rather than a question, and I'd like to know how the developer confirmed that no artifacts or relics or remains are here. It seems pretty obvious that this was an Ohlone resource for thousands of years.

Thanks for any information, Ann

Ann E. Maris, PhD
510-303-4968

Flemming, Michael, CDA

From: Ann E. Maris <ann0000@gmail.com>
Sent: Monday, November 25, 2019 2:13 PM
To: Chauhan, Nisha, CDA
Cc: Crawford, Marc, Castro Valley MAC; Adams, Dolly, Castro Valley MAC; Moore, Chuck, Castro Valley MAC; Riche, Ted, Castro Valley MAC; Cunha, Sheila, Castro Valley MAC; Carbone, Ken, Castro Valley MAC; Killebrew, Shannon, Castro Valley MAC
Subject: 11/25/19 CVMAC Ohlone Audobon Society Comments
Attachments: RUBY OAS COMMENTS NOV 24 2019 .pdf

Ohlone Audubon Society
A Chapter of the National Audubon Society
Serving Southern Alameda County

November 24, 2019

Members of the Castro Valley
Municipal Advisory Commission
c/o Planning Department
Ms. Nisha Chauhan
Winton Ave
Hayward, California

Re: Response to Bioassessment for the Ruby/Crescent project in Castro Valley

After reading the LSA biological assessment for the Ruby project our first question was ***"Given the extraordinary number of animals that are utilizing the Ruby site for food, water, birthing and raising their young, I wonder why there is no mention of what will happen to them when subjected to the proposed human disturbance of a trail, a parking lot, paved access road and significant human activity from high density housing?"*** These animals most likely will not be able to tolerate this kind of disturbance and will attempt to leave. Looking at an aerial map of San Lorenzo Creek in this area you can see that this is one of the very few upland areas for wildlife to meet all their life requirements. Most of the upland corridor area has been destroyed by poorly planned development. Where will these animals go?

As with many of these bioassessments, they did not meet the objective of the study which is to identify potentially significant biological resource constraints to development of the project site, especially those related to special-status species and sensitive habitat.

LSA states that they conducted a "reconnaissance level survey" of the project site. This level is defined as "a preliminary survey, usually executed rapidly and at relatively low cost, prior to mapping in detail and with greater precision" (McGraw-Hill Dictionary of Scientific & Technical Terms, 6E, Copyright © 2003 by The McGraw-Hill Companies, Inc.).

LSA conducted this cursory study of what was on the site during the short period of time they were on site. We detected special status species, they did not. Clearly their study was inadequate to meet the requirements of CEQA.

RIPARIAN

According to the California Riparian Habitat Conservation Program (CRHCP) riparian habitat provides important food, nesting habitat, cover, and migration paths.

Current science describes riparian corridors as ecosystems. According to this (CRHCP) report, riparian corridors (i.e., rivers, streams and adjacent lands) are particularly valuable habitats for wildlife. This includes many of what are ordinarily thought of as "upland" species as well as wetland species. For example, many upland animals need access to rivers and streams for hunting and drinking, particularly in the winter when other water sources may be frozen over. The junction between rivers, streams and adjacent riparian land is especially high in ecological diversity and biological productivity because gravity is constantly moving energy and matter along with the current and because so many animals spend their lives both in water and on land. The high value of riparian areas as wildlife habitat is also due to the abundance of water combined with the convergence of many species along the edges and ecological transition zones between aquatic/wetland, aquatic/upland, wetland/upland and river channel/backwaters habitats.

Oak Woodland

LSA states in their report that "the scattered oak trees…do not constitute a native oak woodland."

California AB242 enacted in 2001defines oak woodland as "an oak stand with a greater than 10 percent canopy cover or that may have historically supported greater than 10 per cent canopy cover".

AB242 also known as the **Oak Woodlands Conservation Act** "encourages local land use planning that is consistent with the preservation of oak woodlands…"

We can be sure that the Ruby meadow site, like much of the Castro Valley area was historically oak woodland because this is the native plant community for our area. The oak trees at Ruby are large diameter and probably very old. Eden Housing plans to remove these trees and remove any chance of restoring this area to the native state.

Yet, LSA states that ***"it may not be considered significant under CEQA***". This is a problem with the oversimplification of terms used in the LSA report. We know that oak woodlands

provide habitat for over 300 wildlife species yet without looking at the cumulative impact of what these small projects inflict upon this resource, oak woodlands will be severely reduced.

NON-COMPLIANCE WITH CASTRO VALLEY GENERAL PLAN

According to our **Castro Valley General Plan** :

> **"As shown in Figure 7-1, oak riparian woodland, coastal scrub, and grassland vegetation serve as the primary wildlife movement corridors for common and special-status wildlife species within the Castro Valley planning area.**
>
> **Non-native dominant habitats also may serve as movement corridors when continuous with habitats supporting native vegetation. Wildlife corridors allow animals to have an adequate range of habitat area to search for food, flee from predators, and find protected areas for newborns. *In an urbanized area, continuous wildlife corridors, such as creeks, are particularly important.***
> **All areas supporting native vegetation or providing suitable habitat for special-status species are considered sensitive habitat areas, including oak riparian woodland and naturalized native trees that provide potential nesting habitat for bird species. Sensitive habitat areas also include creeks and wetlands with the potential to be considered jurisdictional by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act or by the California Department of**

Wildlife habitat exists in small pockets woven throughout residential neighborhoods, primarily along creeks." ***CASTRO VALLEY GENERAL PLAN***

A broad range of mammals, birds, reptiles and amphibians rely on riparian buffers for habitat. Riparian buffers are core habitat for many semi-aquatic and terrestrial ecotone species, such as salamanders, frogs, turtles, minks, beavers and otters, and these species require a buffer that is both long and wide. Long stretches of riparian buffer also serve as wildlife travel corridors. Many birds, such as herons, fishers, eagles, and ospreys, as well as some mammals, rely on **forested buffers** for both habitat and resting places. These birds hunt for fish in the water and nest in adjacent forests (Bongard, 2009)

The width needed for a riparian buffer to be effective depends on a number of factors, but, in general, **the wider the buffer, the greater the benefits delivered**.

For buffers to provide adequate habitat for forest dependent songbirds, they must be wide. Several studies have shown that bird species richness increases in buffers that are at least 100 meters wide and that the presence of forest dependent songbirds decreases dramatically when buffers are less than 50 meters (Bongard, 2009). For more information on the importance of protecting species richness, see the guide *Biodiversity*.

INACCURATE SPECIES INFORMATION

Bats (and other species) were not included on the LSA list as occurring at the site, yet our experts located three separate species foraging on the site. We also observed several bird species that were not included in the LSA report.

All of California bat species face a relatively new and very serious disease that threatens the populations. White-nose Syndrome has reached California. This disease resulted in the dramatic decrease of the bat population in the United States and Canada, reportedly killing millions as of 2018. In March 2016, it was confirmed in a little brown bat in Washington state. In 2019, evidence of the fungus was detected in California for the first time, although no affected bats were found. No obvious treatment or means of preventing transmission is known, and some species have declined >90% within five years of the disease reaching a site.

These are the kind of details that should be included in a biological assessment when decision makers are trying to determine the degree of protection they will enforce in at risk species. Bats are at risk.

The following bat species are known to utilize Ruby meadow and surrounding habitat:

Yuma myotis

May be affected by closure of abandoned mines without adequate surveys, some forest management practices, and disturbance of maternity roosts in caves and buildings. Since this species frequently occurs in anthropogenic structures, it is vulnerable to destructuve pest control activities. Some riparian-management practices may be detrimental. No information known on use and acceptance of bat gates, impacts of grazing and riparian habitat management, winter range, and winter roost requirements. Information is needed on geographic variation in roosting and foraging requirements.

Western Red Bat

This is a Special Status Species in California. It was not reported in the LSA report.

L. blossevillii is typically solitary, roosting primarily in the foliage of trees or shrubs. Day roosts are commonly in edge habitats adjacent to streams or open fields, **in orchards**, and sometimes in urban areas. There may be an association with intact riparian habitat (particularly willows, cottonwoods, and sycamores). Although some may forage all night, most typically have an initial foraging period corresponding to the early period of nocturnal insect activity, and a minor secondary activity period corresponding to insects that become active several hours before sunrise. Threats

Loss of riparian zones, and creation of water storage reservoirs has reduced both roosting and foraging habitat of red bats. The intensive use of pesticides in fruit orchards may constitute a threat to roosting bats and may significantly reduce the amount of insect prey available. Controlled burns may be another significant mortality factor for red bats that roosting in leaf litter during cool temperatures. The following areas need more investigation to accurately determine the status of and conserve the red bat in the western U.S.: habitat requirements (esp. roost sites and foraging habitat), altitudinal distribution, migration patterns, effects of controlled burns, and effects of pesticide use in orchards

Mexican free tailed bat

This species' proclivity towards roosting in large numbers in relatively few roosts makes it especially vulnerable to human disturbance and habitat destruction. Documented declines at some roosts are cause for concern. It is considered a Species of Special Concern due to declining populations and limited distribution in Utah.

Besides the human disturbance and habitat destruction, or alteration of suitable caves, mines, bridges, and old buildings noted above, there are problems with pesticide poisoning and deliberate eradication attempts. Although most major maternity roosts in the United States are now protected, much remains to be done with winter roosts in Mexico. More documentation of the role of T. b. mexicana in agriculture, and the use of artificial roosts to attract them, is needed. Its ecology, distribution, and seasonal patterns are not well understood in some parts of its range, particularly California, Nevada, southern Oregon, and Utah).

CLIMATE CHANGE IMPACTS

"A lead agency's analysis must reasonably reflect evolving scientific knowledge and state regulatory schemes." (See CEQA Guidelines, § 15064.4, subd. (b).)

We now have a better idea some of the challenges wildlife will face with climate change. There was no discussion or consideration of the impacts of climate change on species. CEQA requires that past, present and foreseeable future impacts must be considered. In this LSA bio report hey were not.

For example : Audubon scientists took advantage of 140 million observations, recorded by birders and scientists, to describe where 604 North American bird species live today– an area known as their "range." They then used the latest climate models to project how each species range will shift as climate change and other human impacts advance across the continent. The results are clear: Birds will be forced to relocate to find favorable homes. **And they may not survive.** (Survival by degrees: 389 Bird Species on the Brink). Foreseeable Climate impacts on all species must be considered in this assessment.

INEFFECTIVE MITIGATIONS

LSA proposes several "mitigations" such as moving bats or their roosts, "training" construction crews on how to identify species (that are sometimes difficult for trained biologists to identify), installing exclusion fences, etc. Many of these species are sensitive to any human disturbance. If the construction activity and removal of vegetation doesn't result in the animals abandoning the site, the human disturbances from the apartments

and parking area and the human disturbance from the proposed trail will likely push them out. These proposed mitigations are outdated, ineffective and overly simplistic.

LSA refers to the sensitive habitat as "riparian woodland corridor" which should be referred to more accurately as "riparian oak woodland corridor". A similar project in Castro Valley raised this same issue of definition of these vegetation zones. As a result, the term **"biological resource zone"** was created to accurately portray a mixed oak/riparian woodland vegetation system located along Cull Creek that was biologically sensitive and to be protected. That term is included in the Castro Valley General Plan as areas that now must be preserved and protected. This proposed project certainly will not.

In Summary:

We believe that the Ruby/Crescent Eden Housing project does not qualify for a community exemption because although this project supposedly provides more low cost housing, it also destroys one of the last remaining habitat that fulfills the life needs of many species including, nesting/birthing, open areas to raise young, and sufficient supply of food, along with connecting this site to others along the San Lorenzo Creek.

We believe that the August 2019 Biological Assessment by LSA is inadequate, incorrect and does not fulfill CEQA requirements or the need of providing valid information to the public and the decision makers. We ask that Alameda County Planning Dept. require a full CEQA EIR analysis of this proposed project and a sufficiently detailed study of the biological resources at Ruby meadow. We also ask the County to honor **the intent of AB242** and start protecting the remaining oaks in our urban areas before it's too late.

Sincerely,

Terry Preston, Ohlone Audubon Society

Flemming, Michael, CDA

From: Bethany Schulze <bschulze@csumb.edu>
Sent: Monday, November 25, 2019 3:42 PM
To: Chauhan, Nisha, CDA
Subject: Comments on Sept 2019 Ruby Analysis
Attachments: Schulze_RubyCEQA_Comments_191125.pdf

Hello Nisha,

Please see the attached document for my comments on the Ruby Street Apartment project.

Thank you,

Bethany

--
Bethany Schulze
Graduate student, California State University - Monterey Bay
Applied Marine and Watershed Science - Watershed concentration
bschulze@csumb.edu

Date: November 25, 2019

To: Nisha Chauhan, Senior Planner
Alameda County Planning Department
224 W. Winton Avenue, Rm 111
Hayward, CA 94544

From: Bethany Schulze
Field Assistant, bat monitoring – University of California, Santa Cruz
Conservation Analyst (bat projects) – Center for Natural Lands Management
Graduate Student, Environmental Science - California State University, Monterey Bay
bschulze@csumb.edu

Subject: Comments on the September 2019 CEQA Analysis of Eden Housing's Proposed Ruby Street Project

Dear Planning Department,

This letter includes comments on the September 2019 CEQA Analysis of Eden Housing's proposed Ruby Street Project covered under Site Development Review PLN2019-00024 dated June 17, 2019. The CEQA Analysis is covered in the document titled, "Ruby Street Apartment's Project – Environmental Checklist of Community Plan Exemption, September 2019."

The 2019 CEQA Analysis of Eden Housing's proposed Ruby Street Project fails to include impacts to a California Species of Special Concern – the western red bat. It is common for biological assessments done by consulting firms to exclude acoustic monitoring from their protocols due to lack of resources or experience. The section on bats in the biological assessment only included potential roosts for pallid bats and Townsend's big-eared bats which have very different roosting ecology from western red bats. Western red bats are foliage roosting species that roost in trees by hanging from the twigs and leaves (Pierson et al. 2011), therefore any mature trees could be suitable roosting habitat.

I performed acoustic monitoring of bats at the Ruby Street parcel using an Echometer Touch Bat Detector on August 25, 2019. I manually vetted the bat echolocation calls that were recorded and found that western red bats were detected during the four-hour recording session. August is typically the beginning of the fall migration period for western red bats. Western red bats breed in inland areas of California such as the Central Valley during the summer and migrate to southern and coastal areas during the fall. Riparian corridors such as the one at the Ruby Street parcel provide essential roosting foraging habitat for western red bats and are among the most threatened types of habitats on the planet (Dudgeon 2010).

I do not recommend approval of the Ruby Street Apartment Project because it will have serious impacts to the roosting and foraging habitat of western red bats.

References

Dudgeon D. 2011. Prospects for sustaining freshwater biodiversity in the 21st century: linking ecosystem structure and function. Current Opinion in Environmental Sustainability 2(5):422-430. DOI: 10.1016/j.cosust.2010.09.001

Pierson ED, Rainey WE, Wyatt D. 2011. Roosting and Foraging Habitat for the Western Red Bat (*Lasiurus Blossevillii*) in the Sacramento River Valley of California. Report for U.S. Fish and Wildlife Service, Red Bluff, CA.

Flemming, Michael, CDA

From: Lopez, Albert, CDA
Sent: Monday, November 25, 2019 8:35 AM
To: Chauhan, Nisha, CDA
Subject: Fwd: Comments on Ruby Street Apartments CEQA Study
Attachments: November 25.docx

Good morning, not sure if you got a copy of this already but in case you didn't here it is.

Thx,

Albert

Sent via the Samsung Galaxy S7, an AT&T 4G LTE smartphone

-------- Original message --------
From: Bill Mulgrew <bill@rhosource.com>
Date: 11/24/19 8:49 PM (GMT-08:00)
To: "Lopez, Albert, CDA" <Albert.Lopez@acgov.org>
Subject: Fwd: Comments on Ruby Street Apartments CEQA Study

Albert,

So sorry. Had a typo in your address.

---------- Forwarded message ---------
From: **Bill Mulgrew** <bill@rhosource.com>
Date: Sun, Nov 24, 2019 at 8:20 PM
Subject: Comments on Ruby Street Apartments CEQA Study
To: <Dolly.Adams@acgov.org>, <Ken.Carbone2@acgov.org>, Crawford, Marc, Castro Valley MAC <marc.crawford@acgov.org>, <sheila.cunha@acgov.org>, <Shannon.Killebrew@acgov.org>, <chuck.moore@acgov.org>, <ted.riche@acgov.org>
Cc: <Albert.lopes@acgov.org>, Lee McEachern <lee@rhosource.com>

Dear Castro Valley Municipal Advisory Council,

Attached please find our comments on the Ruby Street Apartments Agenda item for tomorrow evening.

Please let me know if you have any questions or concerns.

Kind Regards,

--
Bill Mulgrew
Vice President, Government Affairs
Rental Housing Association of Southern Alameda County
(510) 537-0340

--
Bill Mulgrew
Vice President, Public Affairs
Rental Housing Association of Southern Alameda County
(510) 537-0340

November 24, 2019

Castro Valley Municipal Advisory Council
224 W. Winton, Room 111
Hayward, CA 94544

Sent via email

Dear Chair Crawford and Council Members,

On behalf of the Rent al Housing Association of Southern Alameda County, I am urging you to approve the CEQA Community Plan Exemption as recommended by staff for the Ruby Street Apartments. The CEQA analysis done by the County was exhaustive, fair and incorporated community input.

- The project conforms to the General Plan for land use.
- It features fewer units than allowed under the density bonus.
- Per the General Plan, the site is intended for residential usage, not open space.
- County staff utilized a qualified CEQA Consultant for additional review and input.
- A qualified biologist has completed a review that states there are no significant riparian impacts.

We are in the midst of an unprecedented housing supply shortage, and projects such as the Ruby Street Apartments must be given prime consideration. Every housing unit matters. Low and very-low income affordable housing projects are often the key factor in keeping our residents housed locally, and frequently, in keeping them housed at all. The multi-family vacancy rate in unincorporated Alameda County has been hovering around 3% for the last 4 years. That is an incredible strain on our housing supply.

We completely understand those that prefer the site be left to open space, however, virtually all of us live in neighborhoods that were once open space. Because of the critical, and likely worsening housing supply crisis, we cannot kick the housing can down the road and hope that someone else picks it up. We need to quickly approve solid multi-family projects, and Ruby Street is a solid project.

Thank you for your consideration.

Bill Mulgrew

William R. Mulgrew
Vice President, Government Affairs

Flemming, Michael, CDA

From: Bruce King <bruceking8@gmail.com>
Sent: Monday, November 25, 2019 3:54 AM
To: Chauhan, Nisha, CDA
Cc: Orduna, Rodrigo, CDA; Lopez, Albert, CDA; Ackerman, Hank; Cho, Andy Hyun-Jae; Ellen Morris; Paul McCreary; Valderrama, Arthur; Rogers, John; BOS District 4; Crawford, Marc, Castro Valley MAC; Adams, Dolly, Castro Valley MAC; dollymaeadams@sbcglobal.net; Moore, Chuck, Castro Valley MAC; Riche, Ted, Castro Valley MAC; Cunha, Sheila, Castro Valley MAC; Carbone, Ken, Castro Valley MAC; Killebrew, Shannon, Castro Valley MAC
Subject: FSLC Comments on Sept 2019 Ruby Analysis
Attachments: Ruby CEQA FSLC Comments 2019 Nov 25.pdf

Nisha,

Attached are comments from Friends of San Lorenzo Creek on the September 2019 CEQA Analysis of Eden Housing's Proposed Ruby Street Project.

The Ruby CEQA Analysis is on today's Nov 25 agenda of the CVMAC.

The comments document is long and detailed, but there is a two-page overview starting on the second page.

Bruce King
Friends of San Lorenzo Creek

FRIENDS OF SAN LORENZO CREEK

Date: November 24, 2019

To: Nisha Chauhan, Senior Planner
Alameda County Planning Department
224 W. Winton Avenue, Rm 111
Hayward, CA 94544

From: Bruce King
Friends of San Lorenzo Creek
BruceKing8@gmail.com

Bruce W. King

Cc: Hank Ackerman, ACPWA Flood Control
Andy Cho, ACPWA Grading Division
Albert Lopez, Planning Director
Paul McCreary, HARD General Manager
Nate Miley, Alameda County Supervisor, District 4
Ellen Morris, Eden Housing Project Manager
Rodrigo Orduna, Assistant Planning Director
John Rogers, ACPWA Permits
Arthur Valderrama, ACPWA Land Development
CVMAC Members

Subject: Friends of San Lorenzo Creek Comments on the
September 2019 CEQA Analysis of Eden Housing's Proposed Ruby Street Project

Dear Planning Department,

This letter provides comments on the behalf of Friends of San Lorenzo Creek (FSLC) on the September 2019 CEQA Analysis of Eden Housing's proposed Ruby Street Project covered under Site Development Review PLN2019-00024 dated June 17, 2019. The CEQA Analysis is covered in the document titled, "Ruby Street Apartment's Project – Environmental Checklist of Community Plan Exemption, September 2019."

This project includes: a) a four-story apartment building containing 72 dwelling units (at 24.5 units per acre) and ~109 open parking spaces all on 2.95 acres; and b) a trail corridor design on 2.95 acres. All of the above is subject to a pending boundary adjustment to merge 21 parcels and create 3 new parcels (noted as Parcel A, B, and C in the plans).

This proposed project is in a riparian and wildlife corridor of San Lorenzo Creek. FSLC comments focus on ensuring the creek, banks, required creek setbacks, oak riparian woodland, and wildlife corridor of the creek are protected and maintained in a healthy condition.

FSLC does not recommend approval of this project.

OVERVIEW

Friends of San Lorenzo Creek does not recommend approval of this proposed project. The plan is too big for the site. The project covers over and destroys Ruby Meadow's woodland and wildlife corridor that extends beyond the minimum creek setback. The County in its CEQA Analysis whitewashes this habitat in the proposed development area, ignores policies and requirements that protect the habitat, and does not assess cumulative impacts. We want local affordable housing on other currently available sites.

- Ruby Meadow is a unique site in the riparian and wildlife corridors of San Lorenzo, Chabot, and Castro Valley Creeks. This Meadow is the largest remaining natural site along this reach of San Lorenzo Creek (our largest creek) that has been in public hands for more than 50 years. This site should be used as park, open space, and for preservation.
- Continuous aquatic and terrestrial natural wildlife corridors follow the natural creeks throughout this area and cross this proposed project site. The creeks include San Lorenzo Creek, Chabot Creek, and Castro Valley Creek. These continuous, natural-creek corridors extend from the hills in the east, down Crow Creek and San Lorenzo Creek, through this proposed project site, to Foothill Boulevard, to Route 238 Parcel 8, up Chabot Creek to Strobridge Avenue, and up Castro Valley Creek to Grove Way.
- We want affordable housing, but we want it built in our community on other currently available Route 238 and urban parcels. Eden Housing's proposed plan is designed to maximize affordable housing, is too big for the site, and destroys the site's extensive mature trees, oak riparian woodland, and wildlife corridor that extends beyond the minimum creek setback and up and down the creek systems.
- A plan for affordable housing on the site, acquisition of Caltrans public land, and zoning coordination started eight or more years ago without much local community input and without first considering the habitat, area's park deficiencies, and park agency acquisition. The plan and zoning have been advanced by Eden Housing, Alameda County Community Development Agency (Housing, Redevelopment, & Planning), Housing Authority, and Caltrans.

OVERVIEW
(continued)

- The plan proposes maximum density with bonuses, but the General Plan states that development (i.e., on future Parcel A) should be reduced by 50% in intensity to protect the biological resources (e.g., mature trees and woodland).
- The plans show non-compliant "development" (i.e., grading, fencing, and/or retaining walls) covering ~60% of the minimum creek setback and conservation/mitigation areas. These developments must be removed from the setback.
- The County's CEQA Analysis tries to whitewash biological resource protections for the broader creek corridor and trees by: a) narrowly defining the "riparian habitat, riparian corridor," and habitat types; and b) not using the broader terms, principles, and policies used in the General Plan, such as "oak riparian woodland, wildlife corridor, and sensitive habitat areas."
- Monitoring for bats identified three species that were not identified in the CEQA Analysis. Western red bat was one of the newly identified species. This species is an uncommon bat and California Species of Special Concern.
- The size of this project needs to be greatly reduced (e.g., by 50%) to preserve the major stands and large numbers of mature native and non-native trees and the width of the San Lorenzo Creek riparian corridor. This habitat closely matches the species and configuration of trees that western red bats are known to differentially select as their prime roosting and foraging habitat. This action not only protects and provides habitat for common native plant and animal species, but also special-status species such as western red bats. This species is a tree bat that roosts high in the foliage of mature trees.
- An Environmental Impact Report (EIR) is required for this project to assesses cumulative impacts on the riparian and wildlife corridors and inconsistencies with the General Plan. CEQA requires an EIR and cumulative impact analysis when the cumulative impacts of past, present, and future actions result in significant damage to the San Lorenzo Creek ecosystem. When the County continues to allow all projects to develop up to the minimum creek setback and remove significant habitat that is present outside the minimum setback, protective General Plan Biological Resources policies and goals have little value.



SPECIFIC COMMENTS

Comments in this section are generally presented and identified in the order in which the topics are presented in the CEQA Analysis document.

CEQA Analysis, II. Purpose and Summary of This Document,
B. Community Plan Exemption

- Comment II.B.1 – EIR Required for Cumulative Impacts and Regulatory Inconsistencies

This proposed project requires an Environmental Impact Report (EIR) as directed by CEQA because: a) a cumulative impact analysis is required; and b) the project is not consistent and compliant with many of the regulatory guidelines for Alameda County (e.g., General Plan, Water Course Protection Ordinance, Specific Plan for Areas of Environmental Significance). A CEQA Community Plan Exemption analysis is not sufficient and compliant.

The Ohlone Audubon Society (Terry Preston) provided comments to the Planning Department (Nisha Chauhan) on this project on July 8, 2019. These comments discuss the CEQA requirement for a cumulative impact analysis and consistency with regulatory guidelines as it relates to this project. Please refer these Ohlone Audubon Society comments and respond to each significant comment in the letter.

Here's a few introductory points regarding cumulative impact analysis from the Ohlone Audubon Society letter:

- "CEQA requires a cumulative impact analysis (CEQA Guidelines Section 15130) when the cumulative impacts of past, present and future actions result in significant damage to the San Lorenzo Creek ecosystem. An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3)."
- "There is substantial evidence that this project, in addition to all past and potential future projects along the banks of San Lorenzo Creek will have significant negative cumulative impacts on the health of San Lorenzo Creek, it's wildlife and other biological resources and ultimately San Francisco Bay. In addition, a 20-foot setback is simply not enough to support the needs of the wildlife that may use it. There is a creek bank and channel for movement along the wildlife corridor, but the project would leave little left to fill the need of a place to nest, raise young, hunt and forage. The stream course and setback are not enough."

Project inconsistency with Alameda County regulatory guidelines also indicates an EIR is required. Inconsistency is covered in the Ohlone Audubon Society letter, in the next comment below, and in many subsequent comments herein.

CEQA Analysis, II. Purpose and Summary of This Document,
C. Project Consistency with General Plan and Zoning

- Comment II.C – Project Not Consistent with the General Plan

The Ruby Street proposed housing project is not consistent with many policies identified in the General Plan EIR and requirements in other development standards. These inconsistencies indicate an EIR is required. Comments in this and other sections explain this comment further.

- Comment II.C.1 – No "Environmentally Superior" Alternative, BROZ, or Reduced Density

Existing EIR text. According to the General Plan EIR (Section 4, Alternatives): "CEQA also requires identification of an "environmentally superior" alternative. In this case, the proposed General Plan meets this requirement. The basis for this determination is that the proposed Plan will: Provide greater protection of biological resources due to the proposed biological resources overlay zone and reduced density in creek corridors…"

General Plan EIR, Section 2.3 General Plan Land Use Classifications

Table 2.3-2: Public and Open Space Land Use Classifications

Land Use Category	Description	Corresponding Existing Zoning	Proposed Zoning
Biological Resources Overlay	The biological resources overlay zone delineates high, moderate, and low priority areas for habitat preservation in order to ensure maximum protection of biological resources.	NA	See Figure 7-2

Source: Kahn/Mortimer/Associates and Dyett & Bhatia: 2010

Comment. The implementation of the General Plan and this proposed project does not comply the CEQA requirement to identify an "environmentally superior" alternative. The General Plan and this project does not comply because: a) The County has not implemented Biological Resources Overlay Zone (BROZ) policies and design guidelines; b) This project's CEQA Analysis has not identified and assessed the BROZ areas that extend over much the project site in accordance with the habitat terms and principles used in the General Plan and EIR; and c) The project does not reduce density in the creek corridor to protect habitat. For all these reasons, the project is also not consistent with the General Plan.

In fact, the project proposes development (e.g., grading) inside the minimum creek setback, development of most of future Parcel A, destruction of 87 (or 90%) of the trees in the oak riparian woodland and wildlife corridor that are outside the minimum creek setback, and significant housing density bonuses. This project requires an EIR to identify "environmentally superior" alternatives that include: a) development that reduces density in the creek corridor to ensure habitat protection, and b) no development or development at a different site.

Additional Information.

- Inconsistencies in assessment using habitat terms and principles are discussed in greater detail in Comments III.C.4 ~ C.b.2 and III.C.4 ~ C.b.3.
- Attachment B shows the site's designated BROZ, Sensitive Habitat, and Oak Riparian Woodland/Wildlife Corridor areas.
- Attachment E provides site tree data.

▪ Comment II.C.2 – Woodland and Wildlife Corridor Removal

General Plan Policies and Goals.
Section 2.5 of the General Plan EIR is titled Key Policies of the Proposed General Plan. Listed below are some policies and goals EIR Section 2.5 that are related to this Ruby project and its biological resources.

- Land Use and Community Development, Residential Development (page 2-30)
  The key policies proposed to achieve these goals are:
  - Lot subdivisions and building footprints shall be designed to preserve natural vegetation, biological resources, and stands of large trees to the maximum extent feasible.
- Biological Resources (page 2-36)
  This chapter addresses the protection and enhancement of Castro Valley's significant biological resources, which are concentrated in creek corridors, canyons, and hillside open space areas set aside as part of planned developments. The specific goals are to:
  - Protect and enhance native wildlife through conservation and restoration of a continuous network of connected natural habitat.
  - Preserve creek channels and riparian habitat to protect and enhance wildlife corridors, flood protection, and the quality of surface water and groundwater.
  - Maintain, preserve, and enhance trees and vegetation to provide habitat and protect the natural environment.

Comment.
The proposed project is not consistent with the General Plan because the project did not assess and apply the above General Plan policies and goals to the project areas that are beyond the minimum creek setback where development is planned and extensive oak riparian woodland and wildlife corridor is proposed for removal. In fact, these General Plan policies and goals have little value if the County continues allow all projects to develop up the minimum creek setback and remove significant tree habitat that is outside the minimum setback.

For example, this project is not "…designed to preserve natural vegetation, biological resources, and stands of large trees to the maximum extent feasible…" as stated in General Plan policy. In fact, the project proposes within the development area to demolish an extensive number of trees (87 total trees or 90%), native trees (45 trees or 45%), and other woodland that is closely associated with the oak riparian woodland and wildlife corridor. About a third of these trees (31 trees or 32%) have diameters 2 feet or larger, 25 of these trees are planned for removal, and many would be considered heritage trees. See tree survey data in Attachment E and aerial views of the oak riparian woodland in Attachment B. The project needs to be down sized and redesigned to preserve natural vegetation and

biological resources, especially the stands of very large native (e.g., oak and bay) and non-native trees. These also provide habitat for wildlife. For example, the western red bat is present and requires these wide swaths of very large, mature trees for roosting and foraging.

These are significant impacts. For the reasons stated above, the project is not consistent with the General Plan and findings of the General Plan EIR.

CEQA Analysis, II. Purpose and Summary of This Document,
C. Project Consistency with General Plan and Zoning

- Comment II.C.4 - Significant Impact of Development In Setback & Conservation Areas

Existing Text. Section II.C on page 22 of the CEQA document states: "Lastly, properties in Alameda County are required to conform with Alameda County General Ordinance Code 13.12.320, which establishes a 20-foot minimum setback requirement for developments near creeks. The project would comply with this requirement. A thorough investigation and biological assessment was conducted in the creek/riparian zone to determine if any site-specific impacts would be created, using General Plan policies specific to areas with high priority biological resources. No significant impacts were identified. For the above reasons, the project is consistent with the General Plan and the findings of the General Plan EIR."

Comment. CEQA Analysis Section II.C incorrectly states that the project complies with Alameda County General Ordinance Code 13.12.320 (Watercourse Protection Ordinance, WPO) and there are no significant impacts.

- The project does not comply with the WPO because the project plans show substantial grading of soils (up to 4 feet deep) over ~60% of the minimum 20-foot setback area and associated conservation easement area. In addition, trail plans show a 3.5-foot-high fence along the trail that is 2.5 feet inside the minimum creek setback line. See this development in Attachment C. Such development inside the setback (i.e., grading, fence, and/or retaining wall) is generally not permitted under the WPO and does not satisfy the purposes of the WPO. In addition, the conservation easement is a required and protected riparian mitigation area with required native plant monitoring and maintenance.
- Grading, fences, and/or retaining walls in these areas are generally not be permitted, and any such developments would require mitigations.
- This aspect of the project is a significant impact and the project is therefore not consistent with the General Plan and the EIR findings. This significant impact needs to be documented in the Biological Resources Significance Criteria table (Section III.C on page 40) by marking both criteria C.b and C.e as "new or substantial increase" along with a thorough analysis in the Biological Resources Section.

Additional Explanation. The grading plans show the daylight limit extends over ~60% of the 20-foot setback area and associated conservation easement area. Some grading cross sections also show the change in grading elevation to be 4-feet. In addition, trail plans show a 3.5-foot-high fence along the trail that is 2.5 feet inside the minimum creek setback line. See excerpts of the grading and landscape plans in Attachment C. Such grading, fences, and/or retaining walls inside

the setback are defined as "development" under the WPO, are generally not permitted under the WPO, and does not satisfy the purposes of the WPO. See Attachment D for relevant definitions and requirements of the WPO. Note that: a) "Development" means any act of filling, depositing, excavating or removing any natural material; and b) One of the purposes of the WPO that must be satisfied is prevention of activities that would "…destroy riparian areas or inhibit their restoration."

CEQA Analysis, III. CEQA Checklist, A. Aesthetics, 2. Project Analysis
Significance Criterion A.a, Scenic Vistas

- Comment III.A.2 ~ A.a.1 – Creek Viewing from The Trail
  This section states that "…The [multi-use] trail would provide new views of the creek for recreational users." Such viewing is unlikely (based on site experience) that trail users will be able to see the creek from the trail since the trail is setback, the creek is deep, and there is a 3.5-foot fence along the trail. Any developer of this site will need to work with the conservation easement holder (Flood Control) to determine how and where the trail users can closer to the top-of-bank to see down into the creek.

CEQA Analysis, III. CEQA Checklist, A. Aesthetics, 2. Project Analysis
Significance Criterion A.c, Visual Character and Quality

- Comment III.A.2 ~ A.c.1 – Description of Existing Trees and Visual Impact
  The description of trees and woodlands (or lack thereof) for this site and the surrounding area sounds like someone wrote this that did not want to describe: a) all the tree cover on the site and in the surrounding creek corridors, and b) the visual impact that this development will have when the existing trees are removed and replaced by buildings, parking lots and a trail that in some cases is four feet above the minimum creek setback elevation. Take a look at the tree and habitat descriptions in Comment III.C.4 ~ C.b.2.4, tree data and pictures in Attachment E, and aerial views of trees in Attachment B… then write a real description of how most of the site's mature trees/woodland would be replaced by development and landscaped trees. Oh, come on, you can do better if you try even a little.

- Comment III.A.2 ~ A.c.2 – It's not Coyote Creek
  This section mentions "Coyote Creek." There is no "Coyote Creek," except when you look on Google Maps. Look at the aerial view on the third page of Attachment B for the names of the creeks. Castro Valley Creek and Chabot Creek converge to form Chabot Creek near the HARD Senior Center, and then Chabot Creek flows into San Lorenzo Creek.

- Comment III.A.2 ~ A.c.2 – Dark Sky Lighting
  The visual and wildlife impacts of night-time lights shining towards riparian areas and trees needs to be discussed. This site currently has no lights on the site. The project should use International Dark Sky Association guidelines and certified outdoor fixtures.

CEQA Analysis, III. CEQA Checklist, C. Biological Resources, 3. Regulatory Framework

- Comment III.C.3 – Add Local Polices to the Regulatory Framework

Add the following local polices to the Regulatory Framework in the Biological Resources section of the project's CEQA Analysis: Watercourse Protection Ordinance, Specific Plan for Areas of Environmental Significance, Alameda County Resources Conservation Element, and ROSA. These policies are included in the CV General Plan EIR.

Watercourse Protection Ordinance
The Watercourse Protection Ordinance (WPO) contains requirements for development and activities in and adjacent to creeks in unincorporated Alameda County. The WPO generally does not allow "development" and "structures" within the required setback area and any riparian area. A required setback for an open course channel with steep earthen banks would typically be determined by first calculating a 2:1 slope from the toe of all sections of the creek and then adding a 20-foot minimum additional setback distance. Then the locations of current and damaged riparian areas must also be determined and include in the setback area. The location of riparian areas must be included in the setback since "…the purpose of setbacks is… preventing activities that would… destroy riparian areas or inhibit their restoration."

Specific Plan for Areas of Environmental Significance (1977)
This is a countywide specific plan that creates a Site Development Review process for designated areas of environmental significance. These areas are located throughout the county in riparian areas, where a watercourse forms the environmental focal point, and along the scenic route corridors identified in the County's Scenic Routes Element. The specific plan provides development guidelines but does not regulate permitted land uses. The County's proposed Resources, Open Space, and Agriculture (ROSA) elements, described below, are intended to replace this plan.

Alameda County Resources Conservation Element (1994)
The existing Alameda County Resources Conservation Element (1994) requires the County to locate uses or development that would seriously impact or jeopardize biological resources away from areas with significant biological resource value. The RCE requires the County to prioritize the preservation of lands that should be left substantially undeveloped including riparian habitats, habitat of rare or endangered species, and wetlands supporting concentrations of waterfowl. The RCE also requires the County to encourage the protection and restoration of sensitive and rare habitat types, including native grasslands, riparian woodlands, and oak woodlands, and to designate Sensitive Habitat Areas (SHAs) as a way to protect unique resources from development. The RCE also proposed that all SHAs were to be reclassified to Resource Management district.

Alameda County General Plan - Resources, Open Space, & Agriculture (ROSA) elements
The County is updating its Resource Conservation, Open Space, and Agriculture (ROSA) elements. The Castro Valley General Plan must be consistent with the countwide ROSA

elements, which will also incorporate the policies for lands outside the Planning Area that voters adopted in 2000 with the approval of Measure D. The updated ROSA will replace the existing resource, open space, and agriculture elements as well as the 1966 Scenic Route Element, the 1973 Open Space Element, and the 1977 Specific Plan for Areas of Environmental Significance.

The existing Alameda County Resources Conservation Element (1994) requires the County to locate uses or development that would seriously impact or jeopardize biological resources away from areas with significant biological resource value. The RCE requires the County to prioritize the preservation of lands that should be left substantially undeveloped including riparian habitats, habitat of rare or endangered species, and wetlands supporting concentrations of waterfowl. The RCE also requires the County to encourage the protection and restoration of sensitive and rare habitat types, including native grasslands, riparian woodlands, and oak woodlands, and to designate Sensitive Habitat Areas (SHAs) as a way to protect unique resources from development. The RCE also proposed that all SHAs were to be reclassified to Resource Management district.

When adopted, the ROSA elements would substantially contribute to the preservation and protection of biological resources throughout the County's unincorporated area. The proposed Castro Valley General Plan incorporates a number of the policies from the ROSA Resource Conservation and Open Space elements that would, in the meantime, only be applicable to this Planning Area. These policies deal with issues such as stream protection, stormwater drainage, standards for creekside development, protection of biological resources, habitat protection and restoration, tree protection, open space preservation, and open space dedication requirements.

CEQA Analysis, III. CEQA Checklist, C. Biological Resources, 4. Project Analysis

- Comment III.C.4 – General Plan and EIR Goals, Policies, and Actions
  Unlike other sections, no Biological Resources goals, policies, and actions from the General Plan and EIR are included in the Project Analyses for each criterion. Review and incorporate the relevant General Plan Biological Resources goals, policies, and actions (see Attachment G).

CEQA Analysis, III. CEQA Checklist, C. Biological Resources, 4. Project Analysis
Significance Criterion C.a, Special Status Plant and Animal Species

- Comment III.C.4 ~ C.a.1 – Scope of Caltrans Plant Restoration

  Existing Text. The Special Status Plant Species section on page 45 states: "The riparian corridor has been restored with common, native riparian trees, shrubs, forbs, and grasses as part of the Hayward Riparian Mitigation State Route 84 Pigeon Pass Realignment Project, but due to prior disturbance, special-status plants are unlikely to occur."

  Revise Text. These sentences should be revised to state: "Some areas of creek bank and some areas within 20 feet of the top of bank were restored with common, trees, shrubs, forbs, and grasses as part of the Hayward Riparian Mitigation State Route 84 Pigeon Pass Realignment Project. New trees were limited to red willows planted on some lower creek banks. But due to prior disturbance, special-status plants are unlikely to occur."

Reason for Change. The Caltrans mitigation project Natural Environmental Study stated that the project would enhance and restore 1.83 acres of riparian woodland to satisfy a portion of the mitigation required for the Pigeon Pass Realignment Project. The Caltrans project did not define or claim to "restore the riparian corridor." In fact, the Caltrans project did not plant significant native plants in major sections of creek bank and top-of-bank areas that were disturbed during the project. See Attachment G for excerpts from the Caltrans project.

- Comment III.C.4 ~ C.a.2 – Special Status Plants in Caltrans Biological Study Area

  Existing Text. The Special Status Plant Species section on page 45 states, "Additionally, the NES prepared for the Hayward Riparian Mitigation State Route 84 Pigeon Pass Realignment Project, which evaluated the potential for special-status plants to occur within the project site's riparian corridor, states that no special-status plants are expected to occur within the riparian corridor due to the lack of suitable habitat."

  Revise Text. These sentences should be revised to state: "Additionally, the NES prepared for the Hayward Riparian Mitigation State Route 84 Pigeon Pass Realignment Project, which evaluated the potential for special-status plants to occur within the project's biological study area (BSA), stated that no special-status plants were expected to occur within the BSA due to the lack of suitable habitat."

  Reason for Change. The Caltrans NES states: "No special-status plants are expected to occur within the BSA. Habitat conditions within the BSA are not suitable for special plant species identified in the literature review." The Caltrans NES did not use or define the term "riparian corridor."

- Comment III.C.4 ~ C.a.3 – Special Status Bats

  Monitoring for bats at the Ruby site was led and analyzed by a bat expert from California State University Monterey Bay, Bethany Schulze. Monitoring was conducted in August, October, and November 2019. Results of this monitoring and conclusions are provided in Attachment F. This monitoring identified the presence of the following species of bats:
  - Yuma myotis, a very common and not currently threatened bat
  - Mexican free-tail bat, a very common and not currently threatened bat
  - Western red bat, an uncommon bat and California Species of Special Concern

  Add this monitoring information to the CEQA Analysis and add western red bats to the list of special-status animal species.

  The CEQA Analysis also noted that the following special-status animal species are known to occur in the vicinity of the site and for which suitable habitat is present: Townsend's western big-eared bat (*Corynorhinus townsendii townsendii*), western mastiff bat (*Eumops perotis californicus*), and pallid bat (*Antrozous pallidus*).

- Comment III.C.4 ~ C.a.4 – Add General Plan Policies and Actions Related to Special Status Bats

Add the following General Plan policies and actions to the CEQA Analysis. These polices and actions are applicable to this project and are listed under General Plan EIR Impact 3.5-5 as required to reduce risk to special status bat species or their habitat to less than significant.

EIR Impact 3.5-5 Proposed General Plan Policies & Programs that Reduce the Impact
The Draft General Plan proposes establishment of a Biological Resources Overlay Zone to protect areas with substantive biological resources, such as creeks, hillsides, and riparian areas, by requiring special review of proposed development in the zone. Figure 3.5-1 of this EIR identifies the biological resource priority levels in the Planning Area. The highest priority resources would be waterways, drainages, oak riparian woodland, permanent open space areas, and coastal scrub areas near creeks or large open space areas. Special review would be required for projects in high priority areas as well as for development on sites larger than two acres in moderate- and low-priority zones. Special review may involve environmental review, site plan and development review, and the application of board policy or ordinance requirements. Other policies and programs that would reduce the Plan's impact on special status bat species or their habitat include the Policies 7.1-1, 7.1-2, 7.1-3, 7.1-11, 7.2-4, 7.3-1, 7.3-2, 7.3-3, 7.3-4 and Actions 7.1-2, 7.1-3, 7.3-1.

Policy 7.1-1 Protect the County's major wildlife corridors that run through Castro Valley: (1) the corridor along the east Bay Hills in the forest and chaparral between major interstate highways; and (2) along streams, especially those with riparian vegetation. (Reference – Draft ROSA Policy RC-41, Protection of Wildlife Corridors)

Policy 7.1-2 Preserve a continuous band of open space consisting of a variety of plant communities and wildlife habitats to provide comprehensive rather than piecemeal habitat conservation for all of Alameda County. (Reference – Draft ROSA Policy OS-3, Contiguous Habitat Conservation)

Policy 7.1-3 Incorporate design features that minimize the impacts of development on biological resources in any development planned on or adjacent to high and moderate priority areas designated on the Figure 3.5-2, Biological Resources Overlay Zone (Reference – Draft ROSA Policy RC-24, Minimization of Biological Impacts)

Policy 7.1-11 Require that open space provided as part of a development project be designed to achieve multiple open objectives, including but not limited to: recreation, scenic values, habitat protection, and public safety. (Reference - Draft ROSA Policy OS-11, Open Space Provided by Development)

Policy 7.2-4 Require new development to set aside sufficient right-of-way and setback areas to accommodate multi-use objectives for storm drainage, flood control features, recreation, habitat protection, and other appropriate uses. (Reference – Draft ROSA Program 6 – Require Setbacks)

Policy 7.3-1 Continue to implement the Alameda County Tree Ordinance to protect trees in the public right-of-way.

Policy 7.3-2 Ensure that new development contributes to the maintenance and enhancement of the community's natural environment by preserving existing native trees whenever feasible, replacing trees on-site, and adding trees and other vegetation in the public right-of-way.

Policy 7.3-3 Promote the use of native tree and plant species in public and private landscaped areas.

Action 7.1-2 Establish a Biological Resources Overlay Zone delineating high, moderate, and low priority areas for habitat preservation, to ensure maximum protection of biological resources.

- Require discretionary review for all development applications on properties within the high priority biological resources overlay zone, and for large sites over two acres in size with moderate or low priority biological resources. Discretionary review could include one or more of the following: environmental assessment per the California environmental quality act; site plan and development review; and/or the application of Board policy or other ordinance requirements.
- Establish in the ordinance that on lands with biological resources, new development is not necessarily entitled to be built to the maximum density allowed by the underlying zoning. An environmental assessment may be required, prepared by a qualified biologist, which shall be the basis for establishing development constraints specific to the property in question. Development intensity may be required to be reduced up to 50 percent of the intensity allowed by the underlying zoning, depending on the extent and value of the biological resources on the site.
- Establish thresholds of review for different types of projects. For example, a comprehensive environmental assessment should be required for new subdivisions, whereas minor improvements such as fences or decks may be exempt from special review if they meet specific standards.

Action 7.1-3 Develop design guidelines for development projects about how to minimize the impacts of development on biological resources. Apply these guidelines through the Planning Department's project review process. Include information about ways in which special-status plant and wildlife populations on private properties can be protected over time. Specify that watercourses and areas dominated by native trees and shrubs be left undisturbed by development to the maximum extent feasible.

- <u>Comment III.C.4 ~ C.a.5 – Significant Inconsistencies and Impacts Related to Special Status Bats</u>

This project is not consistent with the special status bat species polices and actions listed above and will have significant impacts on bat species such as the special-status western red bats that are present. As such, the CEQA Analysis impact rating for biological resources significance criteria C.a for special status species (page 40) should be changed to "new or substantial increase."

This project plan is not consistent with Policies 7.1-1, 7.1-2, 7.1-3, 7.3-2 & Actions 7.1-2 and 7.1-3. The proposed project does not:

- Protect the necessary width and continuity of San Lorenzo Creek's major riparian and wildlife corridor (Policies 7.1-1 and 7.1-2)
- Minimize the impacts of development on biological resources for development that is planned on and adjacent to the site's designated high priority biological resource areas (Policy 7.1-3). See this site's high priority biological resource areas in Attachment B.
- Contribute to the maintenance and enhancement of the community's natural environment by preserving existing native trees on the project site (Policy 7.3-2). See the site's data on the mature native and non-native trees in Attachment E.
- Use the site's identified and extensive high priority Biological Resources Overlay Zones for habitat preservation to ensure maximum protection of biological resources (Action 7.1-2), as shown in Attachment B.
- Reduce the development density by up to 50 percent based on the high priority biological resources that are present (Action 7.1-2)

In addition, the County has not implemented Action 7.1-3 that includes:

- Development of design guidelines for projects about how to minimize the impacts of development on biological resources.
- Application of these guidelines through the Planning Department's project review process. Inclusion of information about ways in which special-status plant and wildlife populations on private properties can be protected over time.
- Specification that watercourses and areas dominated by native trees and shrubs be left undisturbed by development to the maximum extent feasible.

- Comment III.C.4 ~ C.a.6 – Reduce Development and Preserve Trees to Protect Special Status Bats

The size of this project needs to be greatly reduced (e.g., by 50%) to preserve the major stands and large numbers of mature native and non-native trees and the width of the San Lorenzo Creek riparian corridor. This action not only protects and provides habitat for common native plant and animal species, but also special-status species such as western red bats. Western red bats are a tree bat that roosts high in the foliage of mature trees. See Attachment F for research excerpts regarding WRB prime habitat.

The project proposes to remove major stands and large numbers of mature native and non-native trees in the San Lorenzo Creek riparian corridor/zone that closely match the species and configuration of trees that western red bats are known to differentially select as their prime roosting and foraging habitat.

- The research on western red bats reports that western red bats are most prevalent in well-developed riparian zones that are AT LEAST 164 feet wide and support larger, mature trees such as Fremont cottonwood, western sycamore, and/or valley oak within the Central Valley and elsewhere along major rivers and tributaries. These bats have also been observed using other non-native trees in these areas such as eucalyptus and fruit/orchard trees in these riparian zones. In addition, loss and degradation of these zones is the primary threat to western red bats.
- Tree species, maturity, and configuration on the Ruby site closely matches the reported prime WRB roosting and foraging habitat. The Ruby site has the following similarities with prime

WRB habitat:
- Mature Fremont cottonwood, western sycamore, and coast live oak on the creek banks; and
- Mature coast live oak and non-native trees (e.g., fruit and eucalyptus) in the area proposed for development.
- A well-developed riparian tree zone that is up to roughly 210 feet wide.

- This project proposes to reduce the width of the San Lorenzo Creek oak riparian woodland and wildlife corridor to 105-120 feet, which is significantly less than the larger widths (i.e., 164 feet OR LARGER) that western red bats are known to differentially select as their prime roosting and foraging habitat.

CEQA Analysis, III. CEQA Checklist, C. Biological Resources, 4. Project Analysis Significance Criterion C.b, Riparian or Other Sensitive Natural Communities

- Comment III.C.4 ~ C.b.1 – Zoning, Density, and Biological Resources

The Riparian or Other Sensitive Natural Communities section on pages 48-49 states: "As appropriate for a project located in a high priority area of the biological resources overlay zone, the project would comply with Action 7.1-1 of the General Plan, which states that "on lands with biological resources, new development is not necessarily entitled to achieve the maximum density allowed by the underlying zoning. Development intensity may be required to be reduced up to 50 percent of the intensity allowed by the underlying zoning…" Only 2.95 acres of the 6.3-acre site would be developed and the building is proposed on the portion of the site farthest from San Lorenzo Creek, as close to the public right-of-way as allowed by the County development standards and setback requirements."

- Comment III.C.4 ~ C.b.1.1 – Use only Parcel A to Show Density Compliance
When applying Action 7.1-1 of the General Plan, only the parcel on which the housing project would be built (future Parcel A which is 2.95 acres) can be considered. The other two noted parcels that makeup the 6.3-acre total cannot be considered because: a) The 2.987 acres of future Parcel C already have a pre-existing creek-setback and Caltrans-mitigation requirement to be a permanent conservation easement and therefore can never be developed, and b) The 0.341 acres of future Parcel B could only be included if a deed restriction is placed on Parcel B that prohibits future development. In addition, some existing parcels in future Parcel C are zoned as Open-Space Natural.

- Comment III.C.4 ~ C.b.1.2 – Reduce Housing Density Due to Biological Resources
The County needs to prohibit development on sections of future Parcel A that are covered by "Oak Riparian Woodland" which also forms the "Wildlife Corridor" (i.e., about half of Parcel A) as defined in the General Plan, and then reduce the allowable number of units and associated parking accordingly (from 72 units to ~36 units, and from 109 parking spots to ~55 spots). Development prohibition would apply to about half of future Parcel A based on:
  - Figures 7-1 and 7-2 of the General Plan that designate about half of Parcel A as "High Priority Biological Resources" and "Sensitive Habitat" and "Oak Riparian Woodland/Wildlife Corridor" (see Attachment B).
  - Arial photographs of the site that also show about half of Parcel A is covered by trees which form the "Oak Riparian Woodland and Wildlife Corridor" identified in the General

Plan (see Attachment B); and
- The tree-specific survey conducted by local citizens (see Attachment E)
- Habitat requirements of wildlife species (e.g., western red bats that require wide riparian areas and mature woodlands for roosting and foraging).

Then the last sentence of the above paragraph should be deleted and changed to read: "The project's building and parking areas were placed in areas outside the oak riparian woodland."

- Comment III.C.4 ~ C.b.2 – Woodland Habitat Distinctions

Woodland habit and wildlife corridor distinctions used in the CEQA Analysis document (Section III.C.b on pages 49-54) may be biased in favor of the long-desired housing development and are not consistent with: a) protecting the site's extensive native woodland and the ecological continuity of riparian and wildlife corridor; and b) the terms and principles used in the General Plan and EIR (that lead directly to required policies and actions). Comments listed below provide further explanation.

- Comment III.C.4 ~ C.b.2.1 – Don't Fit the CEQA Analysis to the Desired Housing Development: Eden Housing starting created plans for housing units and parking spaces at least 8 years ago, prior to this project's biological assessment and this CEQA Analysis. These pre-assessment plans showed development within the minimum-allowed, creek-setback area and across most of the site outside the minimum creek setback. In this current situation, development of the CEQA Analysis (by Urban Planning Partners) would have a stronger bias towards fitting the CEQA Analysis (e.g., the biological resources analysis) to the desired housing density and needed development areas. This bias can easily be compounded by the fact that Eden Housing selected the CEQA Analysis consultant and is paying the costs of the analysis. In addition, the CEQA Analysis consultant is responding to the Planning Department of the Alameda County Community Development Agency (CDA) when developing the CEQA Analysis. CDA also includes the Housing and Community Development Agency and the former Redevelopment Agency, which have been working with Eden Housing, Caltrans, and the Housing Authority since at least 2010 on Ruby-site presale agreements and defining how much housing can be built on the site. So, there are appearances of potential conflicts of interest or sources of bias that could affect the CEQA Analysis.

- Comment III.C.4 ~ C.b.2.2 – Use General Plan & EIR Habitat and Corridor Definitions
  The General Plan and EIR (Section 3.5) define vegetation types, wildlife corridors, and sensitive habitat areas as listed below. These definitions and principles need to be applied in the CEQA Analysis, especially to prevent destruction of the site's native and non-native trees that constitute the "oak riparian woodland" and "wildlife corridor" of this unique section of San Lorenzo Creek.
  - Physical Setting and native vegetation types: "The western and central portions of the General Plan Area are largely developed. Native habitats include primarily oak/riparian woodland occurring along creeks." Throughout the General Plan area, "…native vegetation types include oak riparian woodland and coastal scrub."
  - Wildlife Corridors: "Oak riparian woodland, coastal scrub, and grassland vegetation serve as the primary wildlife corridors. Non-native dominant habitats also may serve as

movement corridors when continuous with habitats supporting native vegetation; and

- Sensitive Habitat Areas: "All areas supporting native vegetation or providing suitable habitat for special-status species are considered sensitive habitat areas, including oak riparian woodland and naturalized native trees that provide potential nesting habitat for bird species. Sensitive habitat areas also include streams and wetlands…"

- Comment III.C.4 ~ C.b.2.3 - Habitat Distinctions Analysis Used to Match Housing Development
  Woodland habitat distinctions used in the CEQA document have the appearance of being crafted to: a) match the long-planned housing objectives and needed development area; b) only protect woodland habitat that cannot be developed because it is already fully protected by the Caltrans conservation easement and the minimum-ever-allowed creek setback; and c) not protect the mature and extensive native woodland and wildlife corridor that would be destroyed by the proposed development. The habitat terms, definitions, and distinctions used in the CEQA document to describe "Riparian or Other Sensitive Natural Communities" are summarized below and are not consistent with the terms and principles used in the General Plan and EIR. For example, policy principals in the EIR include protecting native woodland and wildlife areas that are necessary for a well-functioning corridor and comprehensive (rather than piecemeal) habitat preservation.

  - Comment III.C.4 ~ C.b.2.3.1 - Riparian Habitat and Corridor
    The CEQA document mostly defines and limits "riparian habitat" and "riparian corridor" using the criteria the California Department of Fish and Wildlife (CDFW) uses to define their jurisdiction. These criteria include the creek, creek bank, and tree canopy over the creek including adjacent upland trees that have continuous canopy with riparian trees. This definition: a) establishes where CDFW has jurisdiction and the area that has highest importance for the aquatic ecosystem; b) identifies an area nearly identical to the minimum-every-allow creek setback; and c) is not comparable to the broader ecological principles incorporated into the vegetation, corridor, and habitat definitions used in the General Plan and EIR. The CEQA document needs to use the broader General Plan and EIR definitions to identify and protect the woodlands that are within the proposed development area.

  - Comment III.C.4 ~ C.b.2.3.2 - Coast Live Oak Woodland
    The CEQA document assesses the areas with oak and other trees that are proposed for habitat destruction by the development. The assessment uses the Manual of California Vegetation criteria and concludes that the trees do not constitute a Coast Live Oak Woodland because the site does not have "…greater than 50% relative cover of coast live oak canopy cover…" This assessment and conclusion are flawed and lacking in the following ways:
    - The CEQA document did not report actual tree data or divide the proposed development area into sections to evaluate the composition and density of tree habitat. Local citizens did a tree-specific survey and summarized the site's tree data into three site sections. This data is presented in Attachment E.
    - The CEQA document did not evaluate the site's oak trees in comparison to the second criteria that defines a Coast Live Oak Woodland Alliance in the CNPS Manual of California Vegetation. The Manual states that less than 33 percent oak tree canopy cover is needed when California bay trees are also present. By this definition, the area

that is nearest Crescent Street, where parking lot and storm water management development is proposed, meets the characteristics of a Coast Live Oak Woodland Alliance because this area contains California bay trees and the highest density of coast live oak trees on the site. This area is about one third of the proposed development area.

- Comment III.C.4 ~ C.b.2.4 – Expand the Site's Habitat and Source of Disturbance Description
The Other Sensitive Natural Communities section of the CEQA document states (pp. 53-54) that: a) Grassland occupies the majority of the project site and does not support any sensitive habitat under CEQA, b) The grassland is highly disturbed by prior use and the understory of the trees has been colonized by non-native plants and does not provide suitable habitat for special status plants.

  This section needs to greatly expand this description and note that:
  - Trees in Development Area. About a third to half of the proposed development area that is outside of the minimum creek setback is covered by tree canopy. This habitat is described in the General Plan and overlay zone as sensitive habitat, oak riparian woodland, and wildlife corridor. The woodland and proposed impacts should be described as follows:
    - Tree Data. The project plans and field surveys indicate that there are about 97 trees within the proposed development area (See data presented in Attachment E). Of these 97 trees:
      - Ninety percent (87 trees or 90%) would be demolished by development
      - About half (45 trees or 46%) are native, and 37 of these trees are planned for removal. These trees are mostly coast live oak and some California bay and coast redwood.
      - About a third (31 trees or 32%) have diameters 2 feet or larger, 25 of these trees are planned for removal, and many would be considered heritage trees.
    - Tree Species. The proposed development area includes native and non-native trees. Native trees within the proposed development area include coast live oak (30), California bay (6), coast redwood (7), black walnut (4), and box elder (1). Non-native fruit and nut trees include cherry (14), lemon (1), and persian walnut (1). Other non-native trees include privet (9), Brazilian pepper (6), ash (5), elm (4), eucalyptus (2), blackwood acacia (2), chestnut (2), maple (1), deodar cedar (1), and yucca (1).
  - Caltrans Clearing of Vegetation. The 2016 Caltrans mitigation project: a) removed extensive undergrowth (described as invasives) and debris in the creek setback area and in some large areas outside the setback; b) did not replant any native trees in these areas and native bushes only in some areas; c) did not plant plants along the top of bank in order to maintain visibility into the riparian corridor and discourage encampments; and d) established drive-access-ways in some areas along the top-of-bank for equipment and vehicles needed for mitigation, planting, and maintenance. See excerpts of the Caltrans plans for vegetation removal and planting in Attachment G. So, some of the lack of undergrowth and trees in some areas within and outside the creek setback is partially due to the 2016 mitigation project. See Attachment B for aerial views of the site that show the presence of much undergrowth especially under and between trees closer to the creek before the Caltrans mitigation project.

- Comment III.C.4 ~ C.b.2.5 – Substantial Creek Setback Development (e.g., Grading)

  Existing Text. "These trail locations overlap with the riparian canopy by only a couple of feet at most and the trail is not likely to impact these riparian trees since their canopy slightly extends over the trail. Slight grading of the ground surface might occur during the construction of the trail and parking lot, but since the grading would be shallow and only a few inches deep, the root zones below the tree canopies are not likely to be significantly impacted. As noted in *Chapter I, Project Description*, the County shall require the project sponsor to minimize grading to the greatest extent possible—especially within the creek setback or where the trail overlaps with the canopy of riparian trees—through measures such as installation of retaining walls, but at a distance to not impact rooting systems."

  Comment. It is not correct and misleading to say the following: "…Slight grading of the ground surface might occur during the construction of the trail and parking lot, but since the grading would be shallow and only a few inches deep…" In fact, project grading plans show no retaining walls and substantial grading of soils (up to 4 feet deep) over ~60% of the minimum 20-foot setback area and associated conservation easement area. In addition, trail plans show a 3.5-foot-high fence along the trail that is 2.5 feet inside the minimum creek setback line. Such development (i.e., grading, fence, and/or retaining wall) is generally not permitted under the Watercourse Protection Ordinance, is a significant impact, and should not be allowed. See comment II.C.1 for additional details.

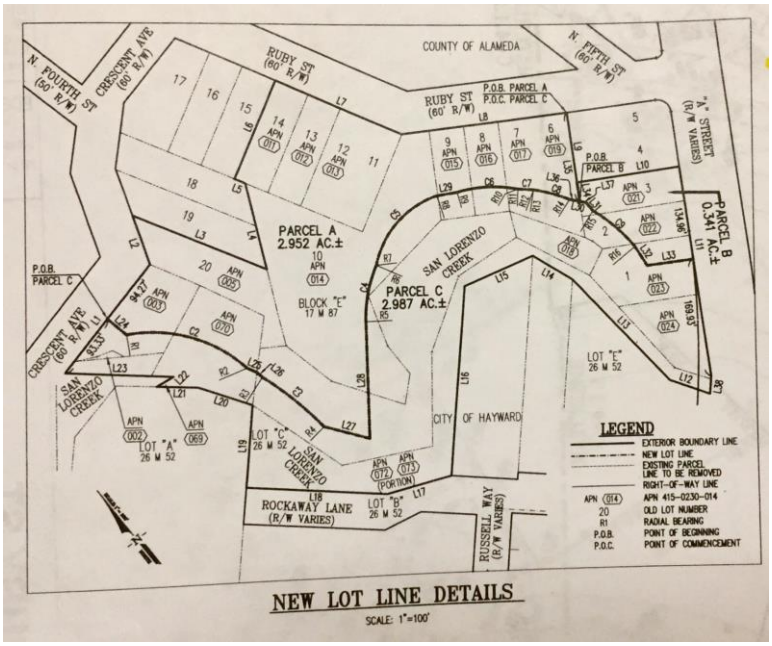
CEQA Analysis, III. CEQA Checklist, C. Biological Resources, 4. Project Analysis Significance Criterion C.c, Federally Protected Wetlands

- Comment III.C.4 ~ C.c.1 – Include Requirement for Watercourse Permit for the Stormwater Outfall
  Installation of a new naturalized storm water outfall and associated riprap in the bank of San Lorenzo Creek needs to also include the requirement to obtain a Watercourse Permit approved by the Alameda County Director of Public Works. See Attachment D for excerpts of the Alameda County Watercourse Protection Ordinance and this requirement.

ATTACHMENT A

Project Plan Excerpts

Excerpt of the landscape site plan L1.1



Excerpt of new lot line details showing Parcel A, Parcel B, and Parcel C

ATTACHMENT B

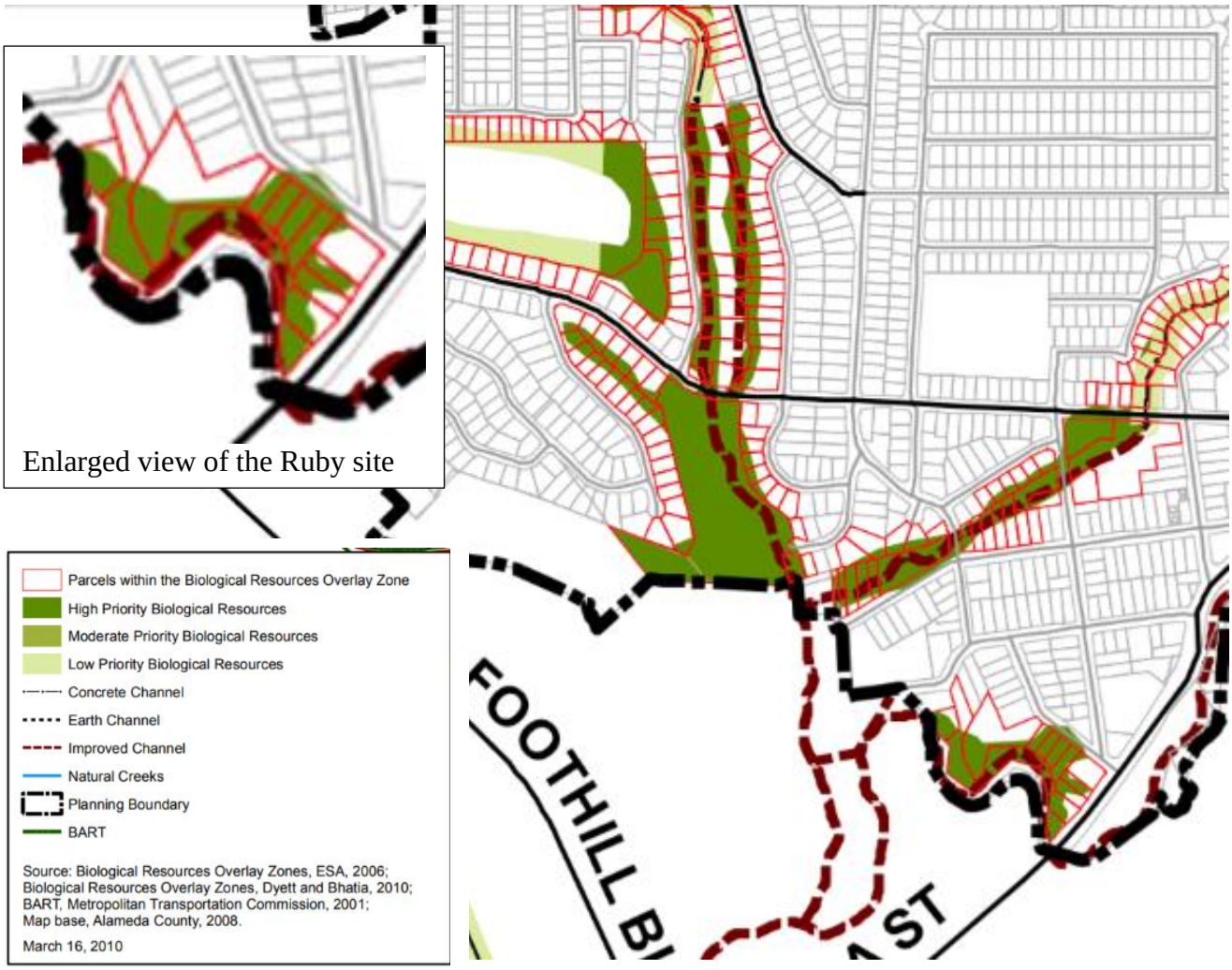
Castro Valley General Plan Biological Resourses and Habitat Overlays and Satellite Views of the Site and Vegetation from 2002 to 2019

The Castro Valley General Plan designates much of the Ruby Street proposed project area as

- "High Priority Biological Resources;" and
- "Sensitive Habitat" and "Oak Riparian Woodland/Wildlife Corridor."

These biological resources and the corresponding Oak Riparian Woodland are visible in the satellite views of the site and correlate with the areas shown in the Castro Valley General Plan.

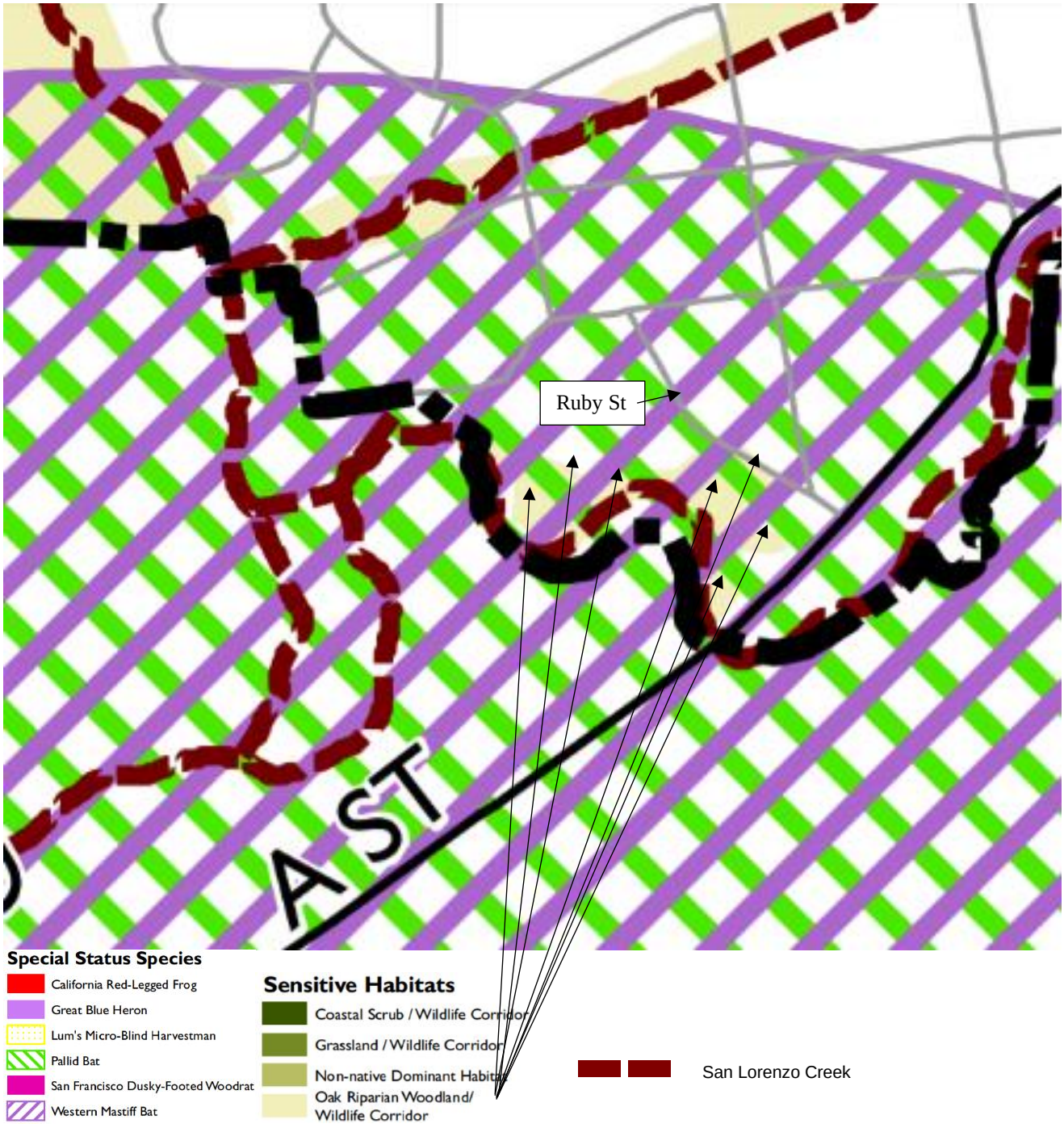
High Priority Biological Resource Areas



The Castro Valley General Plan designates much of the Ruby Street proposed project area as "High Priority Biological Resources." *Reference: Castro Valley General Plan, Chapter 7, Figure 7-2*

ATTACHMENT B (Continued)

Sensitive Habitat and Oak Riparian Woodland/Wildlife Corridor Areas

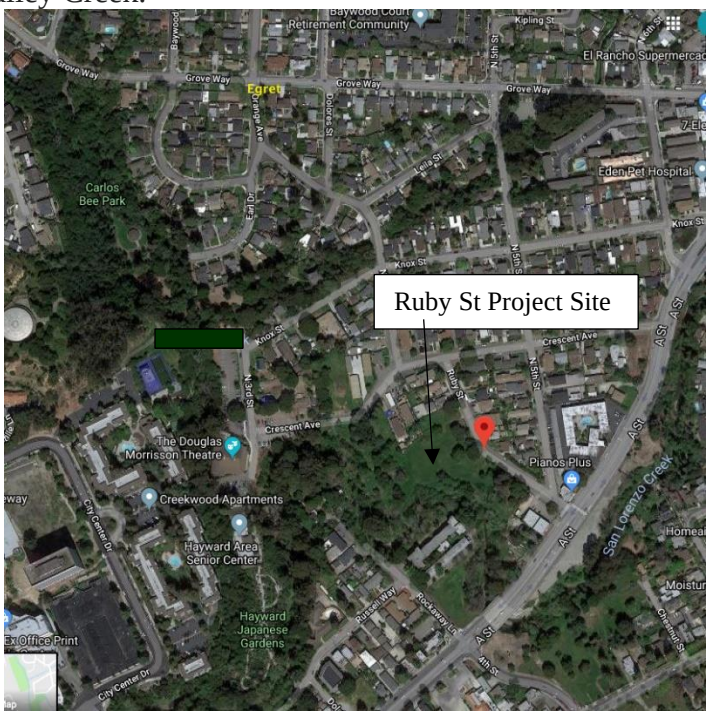


The Castro Valley General Plan designates much of the Ruby Street proposed project area as "Sensitive Habitat" and "Oak Riparian Woodland/Wildlife Corridor."
Reference: Castro Valley General Plan, Chapter 7, Figure 7-1

ATTACHMENT B (Continued)

Wildlife Corridors

Continuous aquatic and terrestrial natural wildlife corridors follow the natural creeks throughout this area and cross this proposed project site. The creeks include San Lorenzo Creek, Chabot Creek, and Castro Valley Creek.



ATTACHMENT B (Continued)

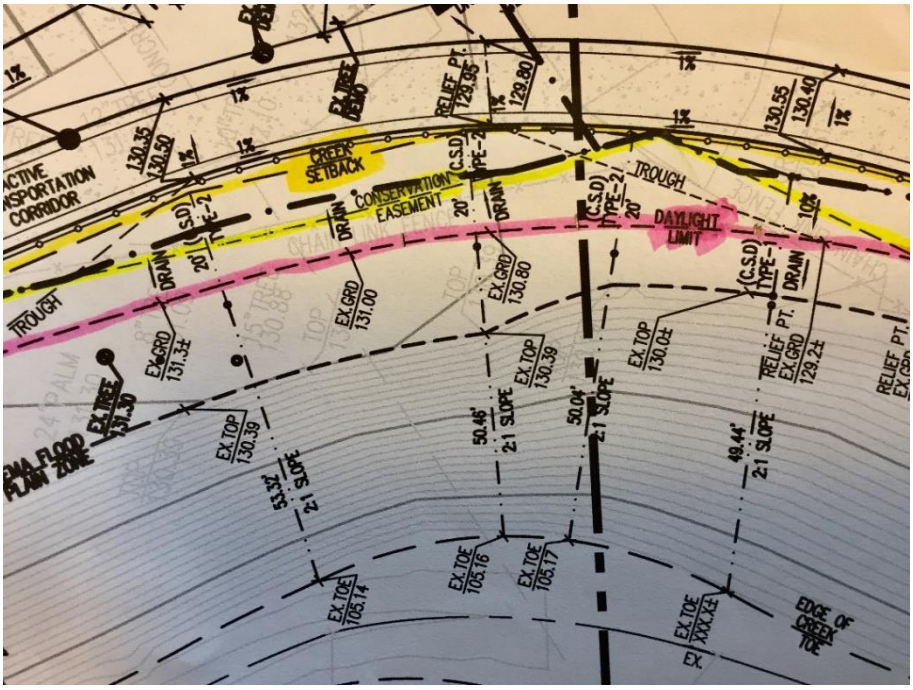
Ruby St Satellite View 2019

Biological resources and the corresponding Oak Riparian Woodland are visible in the satellite views of the site and correlate with the bio and habitat areas shown in the CV General Plan overlays.

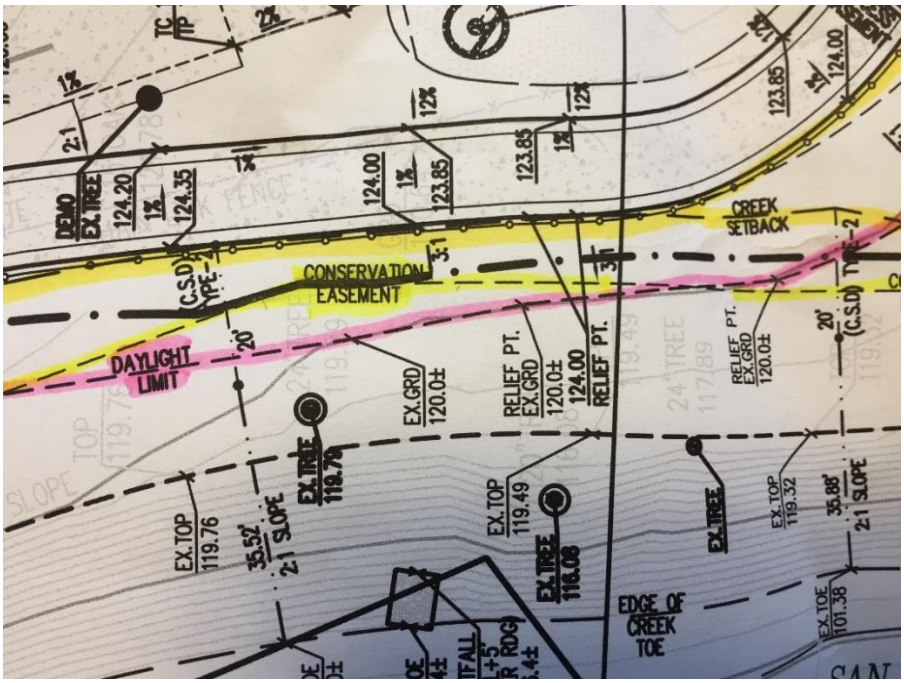
ATTACHMENT B (Continued)

Biological resources and the corresponding Oak Riparian Woodland are visible in the satellite views of the site and correlate with the bio and habitat areas shown in the CV General Plan overlays.

ATTACHMENT C
Development Covering and In the Creek Setback and Conservation Easement
(i.e., Grading to the Daylight Limit, Trail Fences, and/or Retaining Walls)



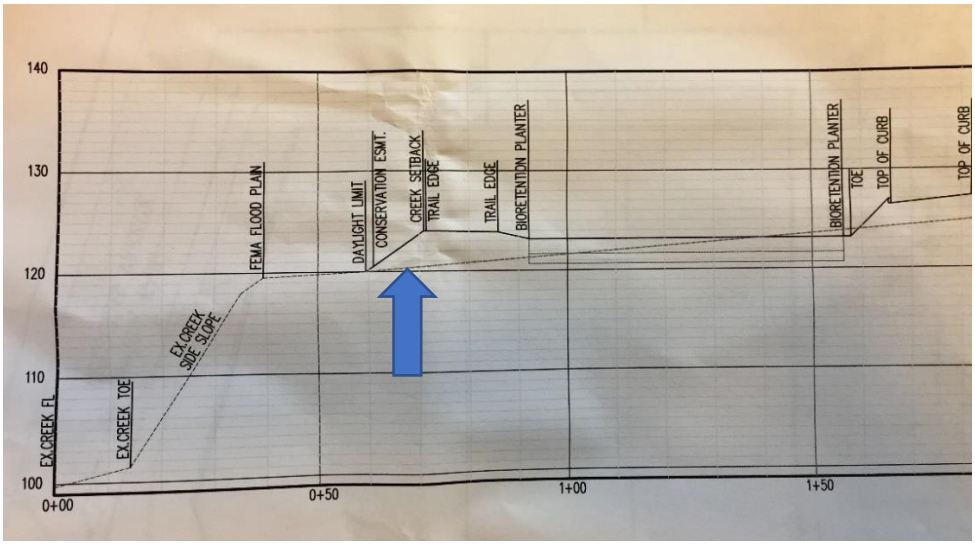
Grading Plan C4.1.2 at Matchline C4.1.1
Plan excerpt shows substantial, unpermitted grading into the setback and conservation easement



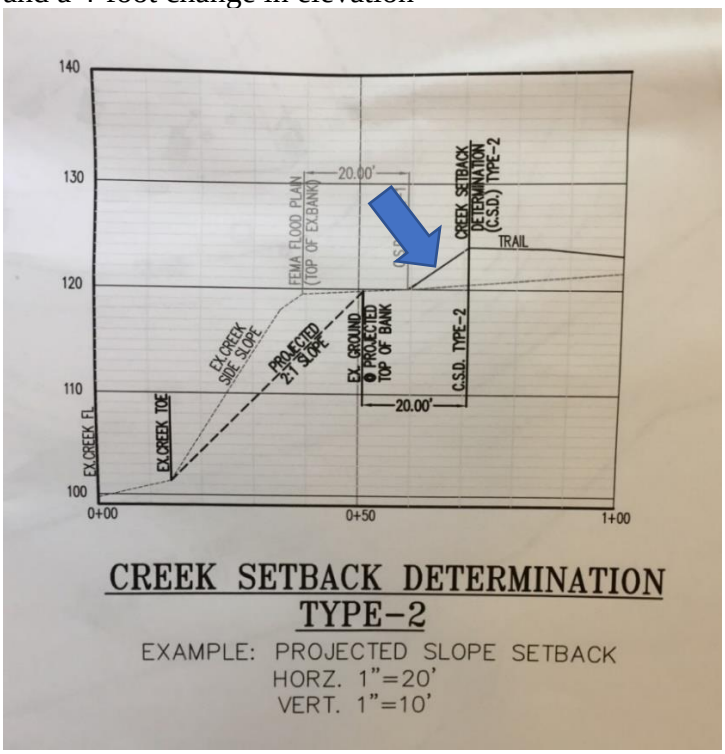
Grading Plan C4.1.1 at Section A-A
Plan excerpt shows substantial, unpermitted grading into the setback and conservation easement

ATTACHMENT C
(Continued)
Development Covering and In the Creek Setback and Conservation Easement

(i.e., Grading to the Daylight Limit, Trail Fences, and/or Retaining Walls)



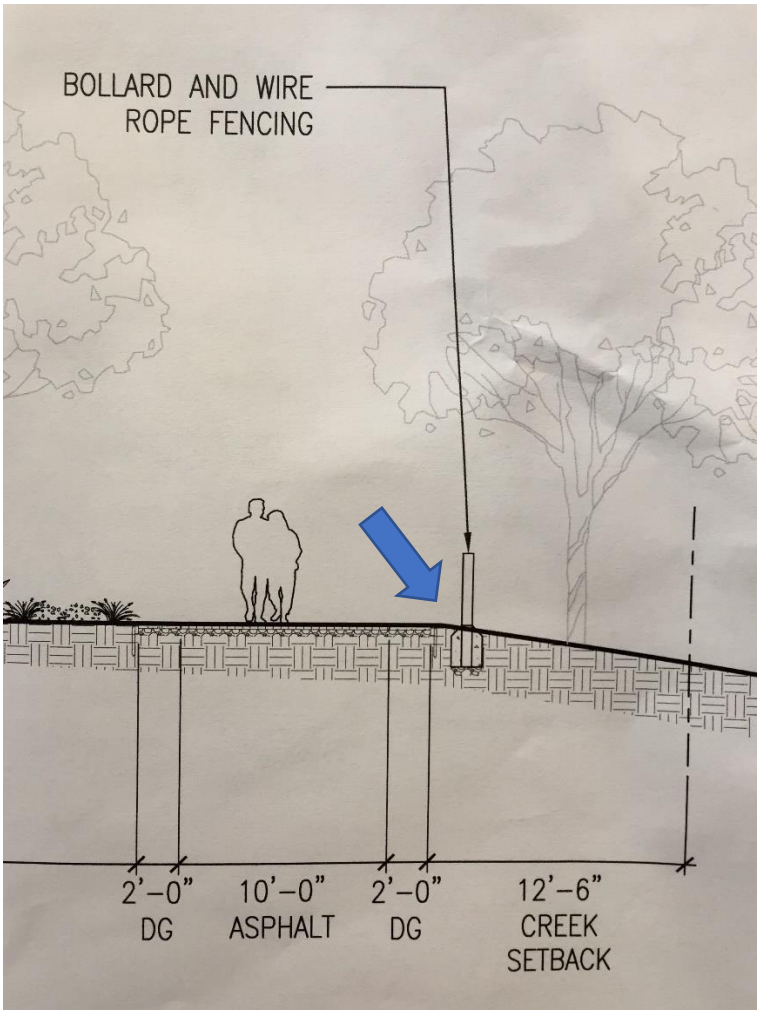
Grading Plan C4.1.3, Section A-A
Plan excerpt shows substantial, unpermitted grading into the setback and conservation easement and a 4-foot change in elevation



Grading Plan C4.1.3, Creek Setback Determination Type-2 (minimum setback of 2:1 +20 feet)
Plan excerpt shows substantial, unpermitted grading into the setback and conservation easement and a 4-foot change in elevation

ATTACHMENT C
(Continued)
Development Covering and In the Creek Setback and Conservation Easement

(i.e., Grading to the Daylight Limit, Trail Fences, and/or Retaining Walls)



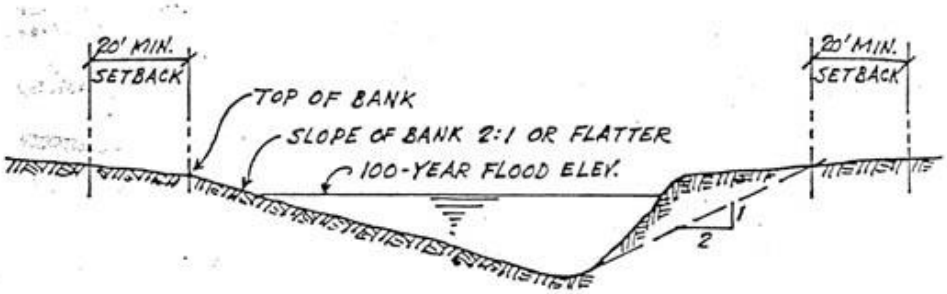
Landscape Plan L2.1 Option B - Trail Fence Cross Section
Note that the trail fence is 3.5-feet tall and is shown as
inside the creek setback, which is unpermitted development

ATTACHMENT D
Excerpts of the Watercourse Protection Ordinance
Setback and Development Requirements

Alameda County General Ordinances, Chapter 13.12

Section 13.12.040 - Jurisdiction
This chapter shall apply to the unincorporated area of Alameda County.

Section 13.12.320: Setback Criteria (Excerpts only)
Section A - Typical where 100-year storm flow is contained within banks of existing watercourse.



Section 13.12.310: Requirements (Excerpts only)

- The purpose of setbacks is to safeguard watercourses by preventing activities that would contribute significantly to flooding, erosion or sedimentation, would inhibit access for watercourse maintenance, or would destroy riparian areas or inhibit their restoration. Accordingly, no development shall be permitted within setbacks, except as otherwise provided herein.
- In certain situations, where, in the opinion of the director of public works, it would be in the public interest to permit limited development within a setback, the director of public works may grant a permit for said development provided that the above-specified purpose would be satisfied.
- The director of public works shall make the determination as to setback limits and any permitted development within a setback.

In addition, WPO Section 13.12.030 defines the following terms:

- "Development" means any act of filling, depositing, excavating or removing any natural material, or constructing, reconstructing or enlarging any structure, which requires a permit issued by the director of public works.
- "Structure" means any works or constructions of any kind, including those of earth or rock, permanent or temporary, and including fences, poles, buildings, pavings, inlets, levees, tide gates, spillways, drop structures and similar facilities.
- "Permit" means a permit issued by the director of public works pursuant to the provisions of this chapter. [Click here to see copy of ACFCWCD Water Course Permit]

See all definitions and requirements of the WPO (~9 pages) online at:

- The body of the ordinance, but not the setback criteria is at: https://library.municode.com/ca/alameda_county/codes/code_of_ordinances?nodeId=TIT13PUSE_CH13.12WAPR
- Set Back Criteria diagrams are at: http://friendsofsanlorenzocreek.org/ord13-12-320.htm

ATTACHMENT E

Eden Housing Proposed Ruby Street Project Oak-Riparian Woodland Damage

Friends of San Lorenzo Creek (August 19, 2019)

Extensive Biological Resources and Sensitive Habitat, described as Oak Riparian Woodland and Wildlife Corridor in the Castro Valley General Plan, will be removed by the proposed housing project.

Table 1 – Trees to Demolished and Remain, Native & Non-Native

Trees (> 4-inch diameter) to be demolished and remain based on our actual field survey and the June 2019 project plans.

Trees	June 2019 Plan	Crescent Street, Parking Lot, & Storm Water Mgt Areas	Ruby Street & Parking Lot Areas	Housing Building Area	Total
Native [1]	Demolish	30	2	5	37
	Remain	4	3	1	8
Non-Native [2]	Demolish	21	24	5	50
	Remain	1	0	1	2
Total	Demolish	51	26	10	87
	Remain	5	3	2	10

[1] Native Trees include Coast Live Oak, California Bay (Laurel), and Coast Redwood.
[2] Non-native trees include mostly Cherry, Black Walnut, and Ash.

Table 2 – Trees to Demolished and Remain, Based on Trunk Diameter

Tree Diameter (inches)	June 2019 Plan of Action	Crescent Street, Parking Lot, & Storm Water Mgt Areas	Ruby Street & Parking Lot Areas	Housing Building Area	Total
4 to <12"	Demolish	14	14		28
	Remain			1	1
≥12 to <24"	Demolish	23	7	4	34
	Remain	1	2		3
≥24 to <32"	Demolish	7	4	2	13
	Remain	1			1
≥32"	Demolish	7	1	4	12
	Remain	3	1	1	5
Total	Demolish	51	26	10	87
	Remain	5	3	2	10

[1] Diameter at Breast Height (4.5 feet)

Some conclusions:

- Oak Riparian Woodland and Wildlife Corridor would be removed within the development area of the project.
- There are about 97 trees within the proposed development area. Of these 97 trees:
  - Ninety percent (87 trees or 90%) would be demolished by development
  - About half (45 trees or 46%) are native, and 37 of these trees are planned for removal. These trees are mostly Coast Live Oak and some California Bay and Coast Redwood.
  - About a third (31 trees or 32%) have diameters 2 feet or larger, 25 of these trees are planned for removal, and many would be considered heritage trees.
- Areas proposed for parking lots and storm water management have the highest concentration of trees.
- The Crescent Street area (parking lot and stormwater mgt) has 2 to 5 times more trees than the other areas, and the greatest concentration of native and largest trees (≥24 inches). This area also steps down in elevation towards San Lorenzo Creek, possibly due past creek cutting-erosion.
- Past (130 years) and current human activity in the proposed development areas, including recent Caltrans mitigation project work, have removed undergrowth and prevented growth of native trees & ground cover.

Ruby Site Tree Survey Data
August 19, 2018

General Area	Species	Trunk Diameter at Breast Height (inches)	Trunk Circumference (feet-inches)	Canopy Diameter (feet-inches)	
Crescent Street, Parking Lot, & Storm Water Mgt Areas					
	Cherry	72"	18'10"		
	California redwood	42"	11'	22'	
	California redwood	40"	10'6"	22'	
	Cedar	29"	7'6"	37'	
	Cedar	19"	5'	21'	
	California redwood	41"	10'9"	39'	
	Cherry	12"	3'3"	11'6"	
	California redwood	22"	5'8"	24'	
	Coast live oak	17"	4'4"	17'	
	Coast live oak	27"	7'8"	47'	
	Coast live oak	17"	4'4"	31'6"	
	Coast live oak	8"	2'1"	22'6"	
	California bay	8"	2'1"	17'	
	California redwood	25"	6'8"	21'	
	California bay	19"	5'	15'	
	California redwood	17"	4'6"	12'	
	Coast live oak	20"	5'3"	36'	
	Cherry	6"	1'6"	14'	
	California bay	4"	1'	15'	
	Cherry	15"	4'	34'	
	Cherry	11"	3'	19'	
	Cherry	17"	4'6"	12'	
	Cherry	12"	3'	14'	
	Cherry	9"	2'6"	10'	
	Lemon	17"	4'5"	13'	
	Cherry	8"	2'1"	16'	
	Coast live oak	10"	2'7"	11'	
	Coast live oak	7"	1'10"	8'	
	Cherry	5"	1'4"	12'	
	California redwood	36"	9'1"	18'	
	Box elder	13"	3'5"	18'	
	Ash	24"	6'3"	25'	
	Black walnut	33"	8'8"	18'	
	Privet	16"	4'2"	17'	
	Cherry	6"	1'6"	10'	
	Ash	8"	2'1"	11'	
	Ash	13"	3'5"	20'	
	Ash	12"	3'	14'	
	Coast live oak	9"	2'6"	11'	
	Coast live oak	4"	1'	8'	
	Coast live oak	33"	8'8"	21'	
	Ash	12"	3'	20'	

	Coast live oak	30"	7'10"	23'	
	Coast live oak	24"	6'3"	22'	
	Coast live oak	14"	3'8"	28'	
	Coast live oak	36"	9'1"	26'	
	California bay	55"	14'5"	24'	
	Coast live oak	20"	5'3"	15'	
	Coast live oak	24"	6'3"	22'	
	Coast live oak	16"	4'2"	17'	
	Coast live oak	24"	6'3"	21'	
	Coast live oak	21"	5'6"	19'	
	Coast live oak	19"	5'	25'	
	Black walnut	14"	3'8"	18'	
	Black walnut	12"	3'	9'	
	California bay	8"	2'1"	7'	
Ruby Street & Parking Lot Areas					
	Coast live oak	24" *	6'3"		
	Coast live oak	12"	3'		
	Cherry	8"	2'1"		
	Privet	16"	4'2"		
	Privet	21"	5'6"		
	Yucca	12"	3'		
	Privet	6"	1'6"		
	Elm	15"	3'11"		
	Privet	15"	3'11"		
	Elm	9"	2'6"		
	Coast live oak	17"	4'6"		
	Privet	4"	1'		
	Elm	11"	2'11"		
	Pepper	6"	1'6"		
	Elm	21"	5'6"		
	Privet	21"	5'6"		
	Privet	10"	2'7"		
	Pepper	7"	1'10"		
	Eucalyptus	31"	8'		
	Eucalyptus	12'6"	12'6"		
	Coast live oak	71"	9'9"		
	Acacia	9"	2'6"		
	Acacia	34"	9'		
	Coast live oak	23"	6'		
	Walnut	27"	7'1"		
	Pepper	11"	2'11"		
	Pepper	7"	1'10"		
	Pepper	4"	1'		
	Maple	10"	2'7"		
	California bay	7"	1'10"		
	Pepper	10"	2'7"		
Housing Building Area					
	Persian walnut	28"	7'4"		
	Coast live oak	20"	5'3"		
	Cherry	23"	6'		
	Privet	7"	1'10"		

	Coast live oak	27"	7'1"		
	Chestnut	12"	3'		
	Coast live oak	36"	9'1"		
	Coast live oak	13"	3'5"		
	Cherry	53"	13'2"		
	Chestnut	60"	15'8"		
	Coast live oak	58"	15'2"		
	Coast live oak	33"	8'8"		

ATTACHMENT E
(Continued)

Oak Riparian Woodland: Mature and heritage coast live oak and California bay trees






ATTACHMENT E
(Continued)

Oak Riparian Woodland: Mature coast live oak, California bay, coast redwood, and other trees





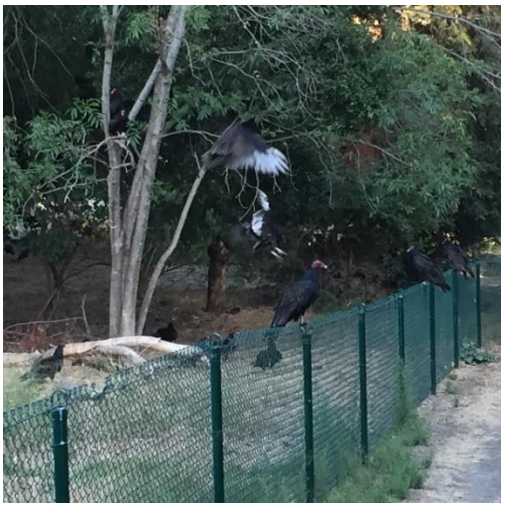


ATTACHMENT E
(Continued)

Wildlife Corridor: Daily black-tailed deer, turkeys, and turkey vultures





ATTACHMENT E
(Continued)

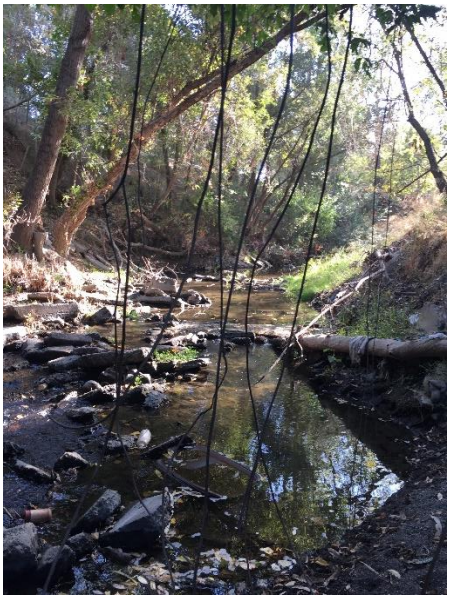
San Lorenzo Creek and its banks

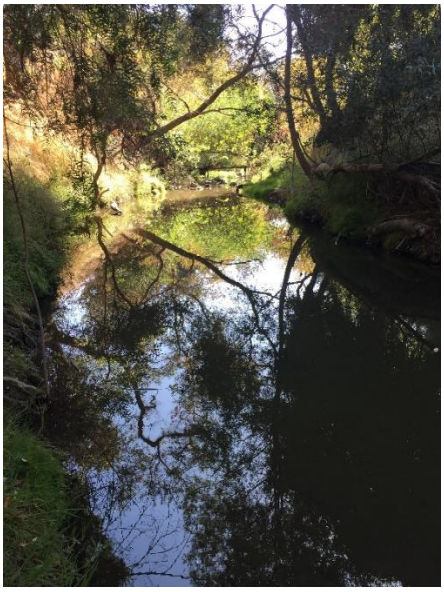
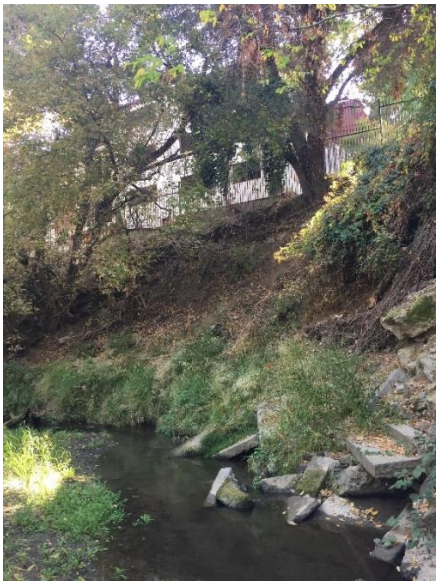






San Lorenzo Creek and its banks

ATTACHMENT F
Western Red Bat Habitat Research Excerpts

Pierson, E.D., W.E. Rainey and C. Corben. 2006. Distribution and status of Western red bats (Lasiurus blossevillii) in California. Calif. Dept. Fish and Game, Habitat Conservation Planning Branch, Species Conservation and Recovery Program Report 2006-04, Sacramento, CA 45 pp.

"The primary threat to western red bat is loss and degradation of well-developed riparian zones that support larger, mature trees such as Fremont's cottonwood, western sycamore, and valley oak within the Central Valley and elsewhere along major rivers and tributaries."

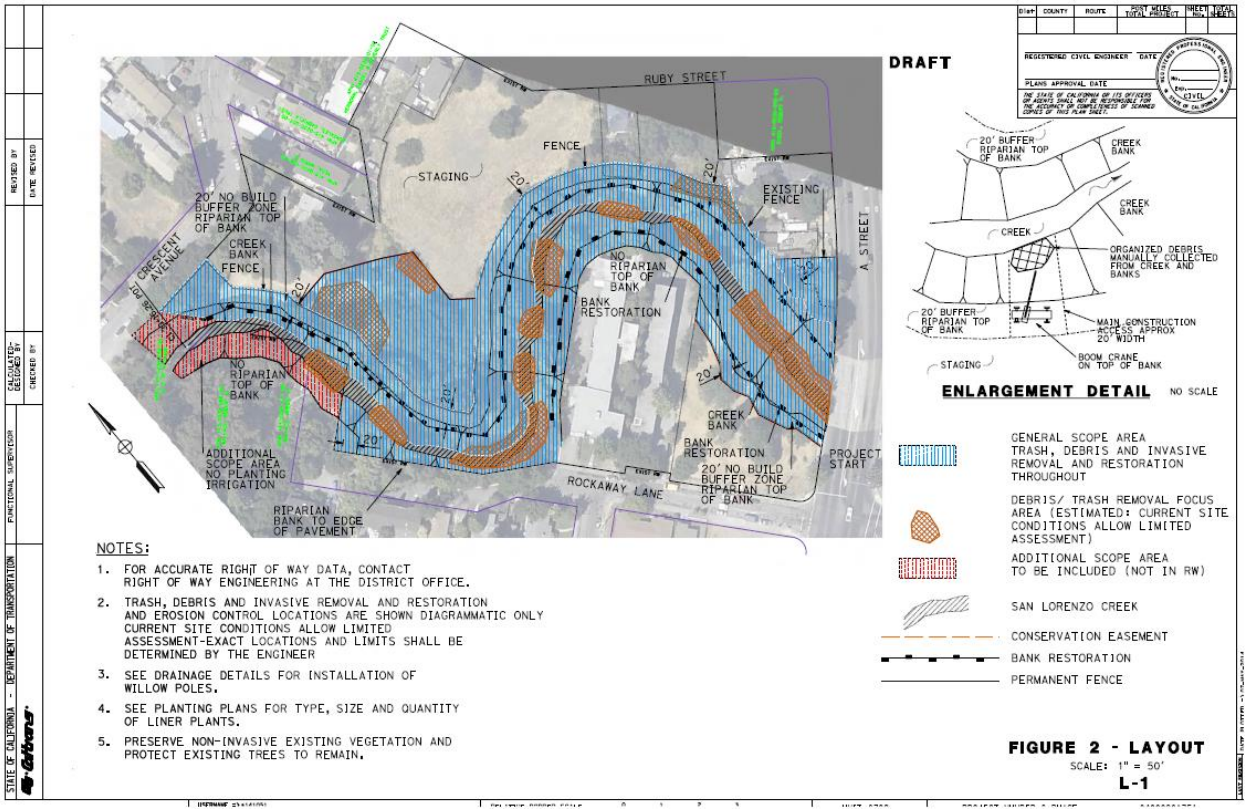
The western red bat, as a tree bat, is closely associated with well-developed riparian habitats that provide suitable roosting sites. Pierson et al. (2006) conducted acoustic and selected mist netting surveys at potential roosting sites in the Central Valley. Most of the sample locations were along the Sacramento and San Joaquin rivers, as well as tributaries and some other selected sites with suitable habitat. At each site they assigned the riparian habitat to one of three categories: (A) Fremont cottonwood (*Populus fremontii)/*western sycamore (*Platanus racemosa*) and/or valley oak (Quercus lobata) in zones at least 50 meters (164 feet) wide; (B) mature trees but only two or three trees wide; and (C) one tree and secondary growth/young trees in sparsely vegetated riparian strips. They also had a fourth non-riparian category: (D) grass/shrubs more than 100 meters (328 feet) to nearest trees. Western red bats were detected wherever there was suitable riparian habitat, but most of the detections were in the "A" category. Pierson et al. (2006) also observed foraging along gravel bars within rivers, but only where the gravel bars were at least 50 meters (164 feet) wide and several hundred meters long. Notably, western red bat densities peaked in July and August and then declined in the fall, presumably when bats were moving to winter sites.

Although Pierson et al. (2006) determined that western red bats differentially select wide, well-developed riparian habitats with mature trees (i.e., A-category habitats) over more narrow zones and young trees for breeding roosts (i.e., B- and C-category habitats), the species frequently has been observed using non-native trees for roosting. Western red bats have been observed in orchard trees, including fig (Ficus carica), apricot (Prunus armeniaca), peach (Prunus persica), pear (Pyrus communis), almond (Prunus amygdalus), walnut (Juglans regia), and orange trees (Citrus sinensis) (Benson 1945, as cited in Pierson et al. 2006; Constantine 1959; Grinnell 1918, as cited in Pierson et al. 2006; Pierson et al. 2006). They have also been observed to use other non-native trees, including African hemp (Sparmannia Africana), eucalyptus (Eucalyptus spp.), Chinaberry (Melia azedarach), mulberry (Morus rubra), and tamarisk (Tamarix spp.)(Constantine 1959; Dalquest, as cited in Pierson et al. 2006; Grinnell 1918, as cited in Pierson et al. 2006; Orr 1950; Pierson et al. 2006). The use of orchards and potential exposure to pesticides is discussed in Threats and Environmental Stressors.

There is little information about roost site characteristics favored by the western red bat (e.g., microclimates, cover density, tree aspect) because most of the ecological studies have been carried out in the east within the range of the eastern red bat. Pierson et al. (2006) hypothesize that western red bats roost in the canopy of the largest trees, based on data for eastern red bats, but note that western red bat habitat associations are very different from the more common eastern red bat.

ATTACHMENT G
Excerpts of Caltrans' Mitigation and Monitoring Plan

Hayward Riparian Mitigation
State Route 84 Pigeon Pass Realignment Project, Caltrans District 4
February 2016



3.2 Proposed Mitigation / Enhancement Plans

Invasive Species Control / Native Plantings

The proposed Project will provide enhancement and restoration to San Lorenzo Creek and associated riparian woodland within Project area. Enhancement of the ecological function and value of the creek's riparian corridor will be accomplished through the control and removal of invasive vegetation, bank restoration, planting of native plant species, and trash/debris removal. Figure 2 identifies the predominant locations for invasive species treatment within the Project area. Invasive species control will primarily focus on Boston ivy. Ivy treatment will be implemented based upon the severity of the infestation and will generally follow the following approaches:

- Ivy with multiple stems growing at the base of existing trees will be cut and removed up to six feet from the ground level. Significant native trees that provide slope stabilization and habitat will have selective removal of clinging ivy stems to remove weight and to allow more light into the riparian understory. The remaining ivy stumps will be treated with injectable herbicide. Any ivy remaining on trunks will be left to die, as removal may cause harm to the cambium layer of desirable riparian trees.
- The top growth of existing ivy on the slopes and creek banks will be cleared and the remaining ivy root and stem mass will be treated with herbicide. This treatment will only be utilized on ivy located above the Ordinary High Water Mark (OHWM) of San Lorenzo Creek.

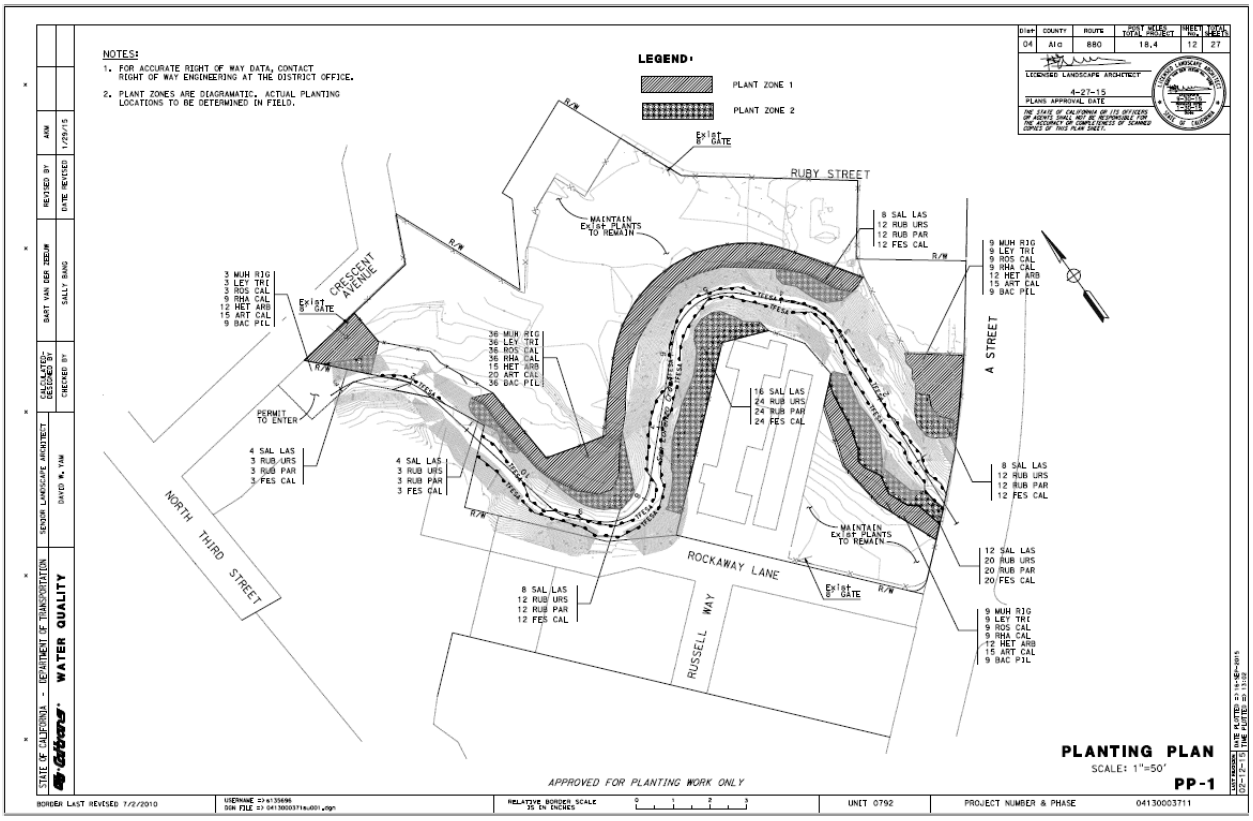
Invasive blackberry species, pampas grass, and giant reed also can be found along and above the creek's banks throughout the Project area. These species will be mowed and may be subsequently treated with herbicides. When treating all species, wherever possible, injectable herbicides will be used to reduce the spread of herbicide to non-targeted areas. Any removal of below-ground roots will be dependent on their location; roots will not be removed where the potential for erosion into the creek is high. All debris from invasive species will be removed and disposed of properly.

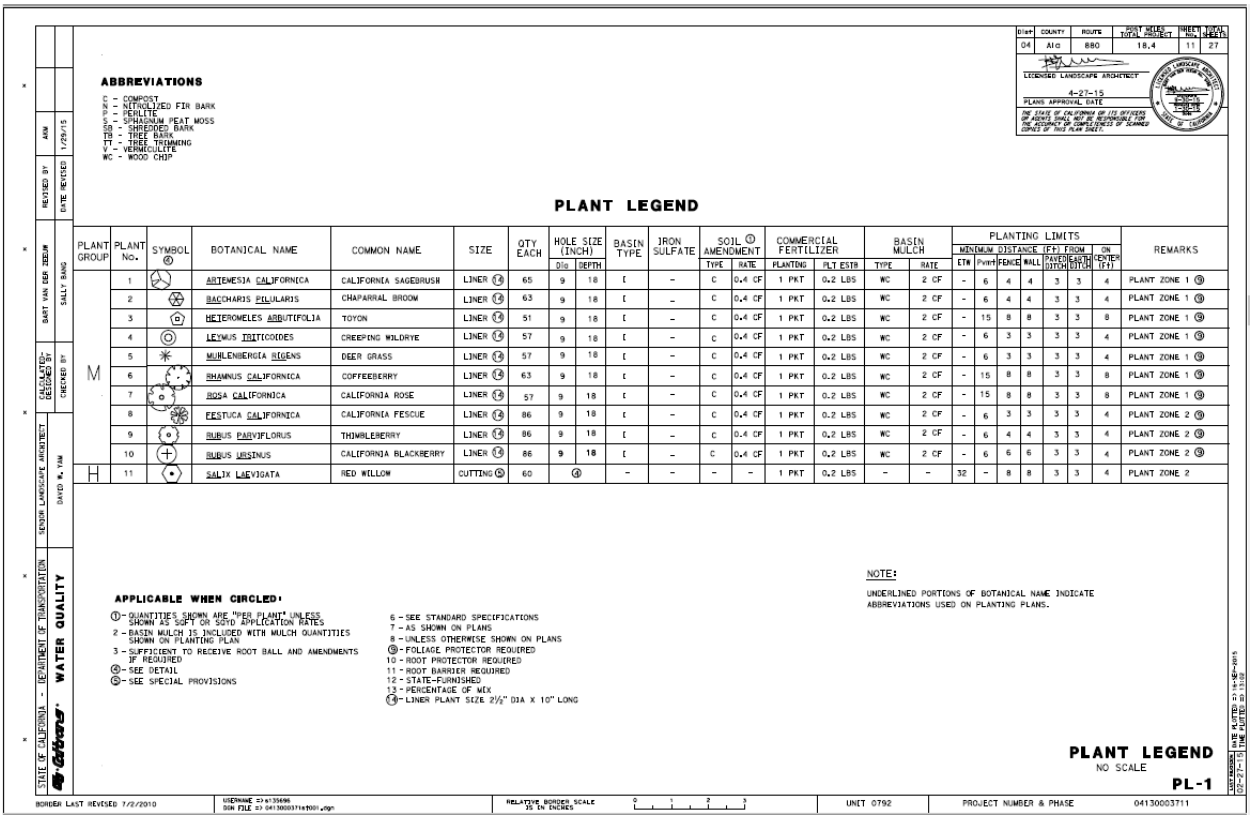
After invasive species are removed, restoration will occur within the riparian area along the banks and an additional 20-foot-wide no-build buffer zone at the top of bank. Disturbed ground and cleared areas will be planted using a combination of beardless wild rye (*Leymus triticoides*) plugs and other native grasses appropriate to the site. Low stature (no greater than two to three feet) native shrubs like thimbleberry (*Rubus parviflorus*) will also be planted. At the top of the bank, no further plantings will occur in order to maintain visibility into the riparian corridor and discourage encampments. The banks will be in-fill planted with an understory of native low growing shrubs. Erosion control along banks will consist of a three inch layer of coarse compost containing a mixture of native seed appropriate to the site. Application of compost will occur above the ordinary high water mark (OHWM). Truck watering or temporary irrigation directed from the top of bank down will be provided for a two-year period.

Native shrub and willow poles will be planted along the banks above OHWM for further erosion control function and low vegetation structure. Willow pole plantings will be established on the lower bank to reduce any small, localized areas of erosion. Planting will not occur within the creek's main channel, but may be planted within the lower portions of the slope, so some of these lower bank plantings may be periodically inundated during high water events.

Trash & Other Debris Removal
Working from upstream to downstream, all invasive vegetation, debris and trash will be removed, using skilled hand labor and light mechanical equipment. Twelve discrete areas have been identified for targeted debris and trash removal (see Figure 2). No excavation of the main creek channel will occur. Coarse woody debris that provides structure and cover for stream species, and concrete rip-rap in the main channel, which mimics natural boulders and promotes riffle and pool habitats, will not be removed. In addition, existing concrete that provides creek bed or bank stability will remain in place, although exposed rebar in this concrete may be cut.

The majority of trash and debris removal will occur using crews operating on foot. If required, a small excavator will work on level ground along the creek bank but will not operate in water. The excavator will be brought in by crane to suitable work locations adjacent to the creek, placed on construction timber mats, and be used to gather, assemble and organize debris and trash (see Figure 2 Enlargement Detail). Appropriate BMPs and avoidance and minimization measures will be followed when operating the small excavator. Organized trash and debris will collectively be hoisted up by winch, loaded on trucks, and disposed of properly. The main pieces of equipment anticipated include a 20-ton crane truck operating from the top of the bank, a small excavator (i.e., CAT 307) with steel track, and a Skid Steer (i.e., CAT 257 or 297) with grapple and winch.


NOTES:
1. FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.
2. PLANT ZONES ARE DIAGRAMATIC. ACTUAL PLANTING LOCATIONS TO BE DETERMINED IN FIELD.
LEGEND:
PLANT ZONE 1
PLANT ZONE 2
RUBY STREET
CRESCENT AVENUE
A STREET
NORTH THIRD STREET
ROCKAWAY LANE
RUSSELL WAY
MAINTAIN EXIST PLANTS TO REMAIN
PERMIT TO ENTER
Exist 8' GATE
3 MUH RIG
3 LEY TRI
3 ROS CAL
9 RHA CAL
12 HET ARB
15 ART CAL
9 BAC PIL
8 SAL LAS
12 RUB URS
12 RUB PAR
12 FES CAL
36 MUH RIG
36 LEY TRI
36 ROS CAL
36 RHA CAL
15 HET ARB
20 ART CAL
36 BAC PIL
16 SAL LAS
24 RUB URS
24 RUB PAR
24 FES CAL
4 SAL LAS
3 RUB URS
3 RUB PAR
3 FES CAL
12 SAL LAS
20 RUB URS
20 RUB PAR
20 FES CAL
9 MUH RIG
9 LEY TRI
9 ROS CAL
9 RHA CAL
12 HET ARB
15 ART CAL
9 BAC PIL
APPROVED FOR PLANTING WORK ONLY
PLANTING PLAN
SCALE: 1"=50'
PP-1


ABBREVIATIONS
C - COMPOST
F - NITROLIZED FIR BARK
P - PERLITE
S - SPHAGNUM PEAT MOSS
SB - SHREDDED BARK
TB - TREE BARK
TT - TREE TRIMMING
V - VERMICULITE
WC - WOOD CHIP
PLANT LEGEND
APPLICABLE WHEN CIRCLED:
1 - QUANTITIES SHOWN ARE "PER PLANT" UNLESS SHOWN AS SQFT OR SQYD APPLICATION RATES
2 - BASIN MULCH IS INCLUDED WITH MULCH QUANTITIES SHOWN ON PLANTING PLAN
3 - SUFFICIENT TO RECEIVE ROOT BALL AND AMENDMENTS IF REQUIRED
4 - SEE DETAIL
5 - SEE SPECIAL PROVISIONS
6 - SEE STANDARD SPECIFICATIONS
7 - AS SHOWN ON PLANS
8 - UNLESS OTHERWISE SHOWN ON PLANS
9 - FOLIAGE PROTECTOR REQUIRED
10 - ROOT PROTECTOR REQUIRED
11 - ROOT BARRIER REQUIRED
12 - STATE-FURNISHED
13 - PERCENTAGE OF MIX
14 - LINER PLANT SIZE 2½" DIA X 10" LONG
NOTE:
UNDERLINED PORTIONS OF BOTANICAL NAME INDICATE ABBREVIATIONS USED ON PLANTING PLANS.
PLANT LEGEND
NO SCALE
PL-1

ATTACHMENT H

Castro Valley General Plan Excerpts from Chapter 7 Biological Resources & Chapter 8 Trails

MARCH 2012
Castro Valley General Plan

https://www.acgov.org/cda/planning/generalplans/documents/CastroValleyGeneralPlan_2012_FINAL.pdf

Included in this document:

CHAPTER 7 BIOLOGICAL RESOURCES
7.1 WILDLIFE AND SENSITIVE HABITATS
- Wildlife Habitat and Corridors
- Special Status Species
- Biological Resources Overlay Zone

7.2 CREEKS AND STREAMS
7.3 VEGETATION

CHAPTER 8 COMMUNITY FACILITIES, PARKS, AND SCHOOLS
8.3 TRAILS

Chapter 7
Biological Resources

7.1 WILDLIFE AND SENSITIVE HABITATS

Castro Valley has significant biological resources, primarily concentrated in creek corridors, canyons, and hillside open space areas. Many of the eastern hillside areas have been set aside as permanent open space as part of Planned Unit Developments, but other areas do not have similar protection. Castro Valley is also immediately adjacent to regional parks and County Measure D open space conservation areas. Open space areas within Castro Valley function as wildlife corridors for species to cross between larger habitat areas. This element addresses the protection of Castro Valley's biological resources, including animal species, plant species, and wildlife habitat. Its main provision is the creation of a Biological Resources Overlay Zone, which will establish special development and review requirements on properties with significant biological resources.

Alameda County is updating its Resource Conservation, Open Space, and Agriculture (ROSA) elements. The Castro Valley General Plan and the County ROSA must be consistent with one another. The updated ROSA will replace existing documents, including the 1966 Scenic Route Element, the 1973 Open Space Element, and the 1977 Specific Plan for Areas of Environmental Significance. The ROSA elements will also address plans and policies for Measure D lands

Wildlife Habitat and Corridors

The western and central portions of the Castro Valley General Plan Area are largely developed. There are

small pockets of areas that provide wildlife habitat woven through these areas of residential lots, primarily along creeks. The primary native wildlife habitat is oak/ riparian woodland that occurs along creeks. Other undeveloped areas in western and central Castro Valley are dominated by non-native plant species. The eastern portions of the General Plan Area support primarily native habitats. Large, undeveloped portions of this area, typically on steep hillsides or in canyons, have been set aside as open space as part of planned unit developments. Ornamental landscaping with large trees, shrubs and other vegetation may provide potential nesting habitat for raptors known to nest in urbanized areas and other special-status bird species.

As shown in Figure 7-1, oak riparian woodland, coastal scrub, and grassland vegetation serve as the primary wildlife movement corridors for common and special-status wildlife species within the Castro Valley planning area. Crow Creek and San Lorenzo Creek are deeply incised creeks with well-developed riparian areas. These two creeks serve as a primary migration route through the eastern half of the planning area for both aquatic and terrestrial species.

For this element, non-native dominant habitat is defined as areas supporting ruderal vegetation (non-native plant species favoring disturbed sites), ornamental or naturalized non-native trees (such as Monterey pine and eucalyptus), and shrubs (such as cotoneaster). Non-native dominant habitats also may serve as movement corridors when continuous with habitats supporting native vegetation. Wildlife corridors allow animals to have an adequate range of habitat area to search for food, flee from predators, and find protected areas for newborns. In an urbanized area, continuous wildlife corridors, such as creeks, are particularly important.

All areas supporting native vegetation or providing suitable habitat for special-status species are considered sensitive habitat areas, including oak riparian woodland and naturalized native trees that provide potential nesting habitat for bird species. Sensitive habitat areas also include creeks and wetlands with the potential to be considered jurisdictional by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act or by the California Department of Wildlife habitat exists in small pockets woven throughout residential neighborhoods, primarily along creeks.

Fish and Game under California Fish and Game Code Sections 1600- 1607. In addition, Alameda County has a Tree Ordinance (Chapter 12.11 of the County General Code), which provides protection for any tree in a public right-of-way that is at least ten feet in height and has a trunk that is at least two inches in diameter.

Special Status Species

Table 7.1-1 lists the special-status species with associated vegetation type found within the Castro Valley planning area. The only special status animal species that have been observed in the Castro Valley planning area are yellow warbler and steelhead trout. Yellow warbler (Dendroica petechia) is a State species of special concern. Steelhead (Onchorhynchus mykiss) are a federally-listed Threatened Species, and a CDFG Species of Special Concern and have been observed in San Lorenzo Creek, Castro Valley Creek, and Crow Creek in the last ten years. The planning area also includes portions of the Critical Habitat for Alameda whipsnake (USFWS, 2006).

The planning area potentially supports the following special status animal species, based on the fact that the type of habitat that supports these species exists in Castro Valley: Steelhead, California tiger salamander, California red-legged frog, Alameda whipsnake, Western pond turtle, California horned lizard, Yellow warbler, Burrowing owl, Sharp-shinned hawk, white-tailed kite, Bats (Myotis spp., Pacific western big-eared bat, and greater western mastiff bat), Lum's micro-blind harvestman, great blue heron,

Cooper's hawk, and red-tailed hawk. In addition, the following special-status plant species have the potential to occur in the planning area: Santa Cruz tarplant, alkali milk vetch, big-scale balsamroot, fragrant fritillary, Diablo helianthella, and Robust monardella.

Table 7.1-1: Listed Species and Associated Vegetation

Federal or State Listed Species	Associated Vegetation Types
Santa Cruz tarplant	Coastal scrub
Steelhead	Creeks
California tiger salamander	Ponds and adjacent grasslands
California red-legged frog	Creeks, ponds and adjacent grasslands
Alameda whipsnake	Coastal scrub and adjacent grasslands and woodlands
Federal or State Species of Concern	**Associated Vegetation Types**
Western pond turtle	Creeks and ponds
California horned lizard	Coastal scrub, grassland, riparian woodland
Yellow warbler	Oak Riparian woodland
Burrowing owl	Grassland
Sharp-shinned hawk, white-tailed kite	Oak Riparian woodland
Bats (Myotis spp., Pacific western big-eared bat, and greater western mastiff bat)	Oak Riparian woodland
Other Special-status Species	**Associated Vegetation Types**
Big-scale balsamroot	Grassland
Diablo helianthella	Coastal scrub, oak riparian woodland
Robust monardella	Coastal scrub, grassland
Fragrant fritillary	Coastal Scrub
Great blue heron	Oak Riparian woodland
Cooper's hawk, red-tailed hawk and other raptors	Oak Riparian woodland, non-native dominant habitat
Lum's micro-blind harvestman	Grassland
Alkali milk vetch	Grassland
Robust monardella	Coastal scrub, grassland

Source: ESA, 2006; Dyett & Bhatia, 2009

Biological Resources Overlay Zone

Figure 7-2, Biological Resources Overlay Zone (BROZ), illustrates the biological resource priority levels throughout Castro Valley. The purpose of the Overlay Zone is to protect areas with important biological resources, such as creeks, hillsides, and riparian areas, by requiring special review of proposed development projects. The review process would be required on all sites with high priority biological resources and on large sites (over two acres) with moderate or low priority biological resources.

Special review may involve environmental review, site plan and development review, and/or the application of County policy or ordinance requirements during review of development permit applications. The special review process will: evaluate the actual value of the habitat on the property; establish site planning parameters to preserve the most critical and/or most sensitive habitat areas; and establish conditions of approval to protect special status species during construction and occupancy. The special review requirements should be proportionate to the scale of the development project and the amount of valuable habitat on the property. On larger properties with high priority biological resources, the special review should require a biological assessment by a qualified biologist. For small home additions, application of standard conditions during building permit review would be more appropriate.

Development is allowed on parcels within the BROZ; however, the review process shall determine the level of development allowed and the design features necessary to protect biological resources. In order to ensure the protection of resources, property owners may not necessarily entitled to the maximum amount

of development allowed under the zoning on BROZ parcels.

Priority levels shown on the map are based on a habitat area's biological sensitivity and its role as habitat for threatened species. For example, oak/riparian woodland is considered the most biologically sensitive habitat, while coastal scrub and grassland are considered common plant communities. However, these communities may have higher preservation value when they provide potential habitat for threatened species or suitable habitats for supporting special status plants. In addition, grassland habitats have the potential to contain wetland habitats and/or small drainages that are a high priority for preservation. Isolated patches of non-native dominant habitat surrounded by development are considered a low priority for preservation.

Future field surveys may identify features within grassland and nonnative dominant habitats that would increase the preservation value of certain areas within these habitat types (i.e. wetlands and other aquatic features). The priority scheme for habitats within Castro Valley is as follows:

High Priority
• Drainages
• Oak Riparian Woodland
• General Plan designated natural open space areas
• Coastal scrub on both sides of the Castro Valley Creek Improved Channel reach
• Coastal scrub just east of Cull Canyon Drive
• Coastal scrub between Jensen Road and Castro Valley Blvd/ Villareal Drive

Moderate Priority
• Other Coastal Scrub areas
• Grasslands

Low Priority
• Non-native Dominant Habitat

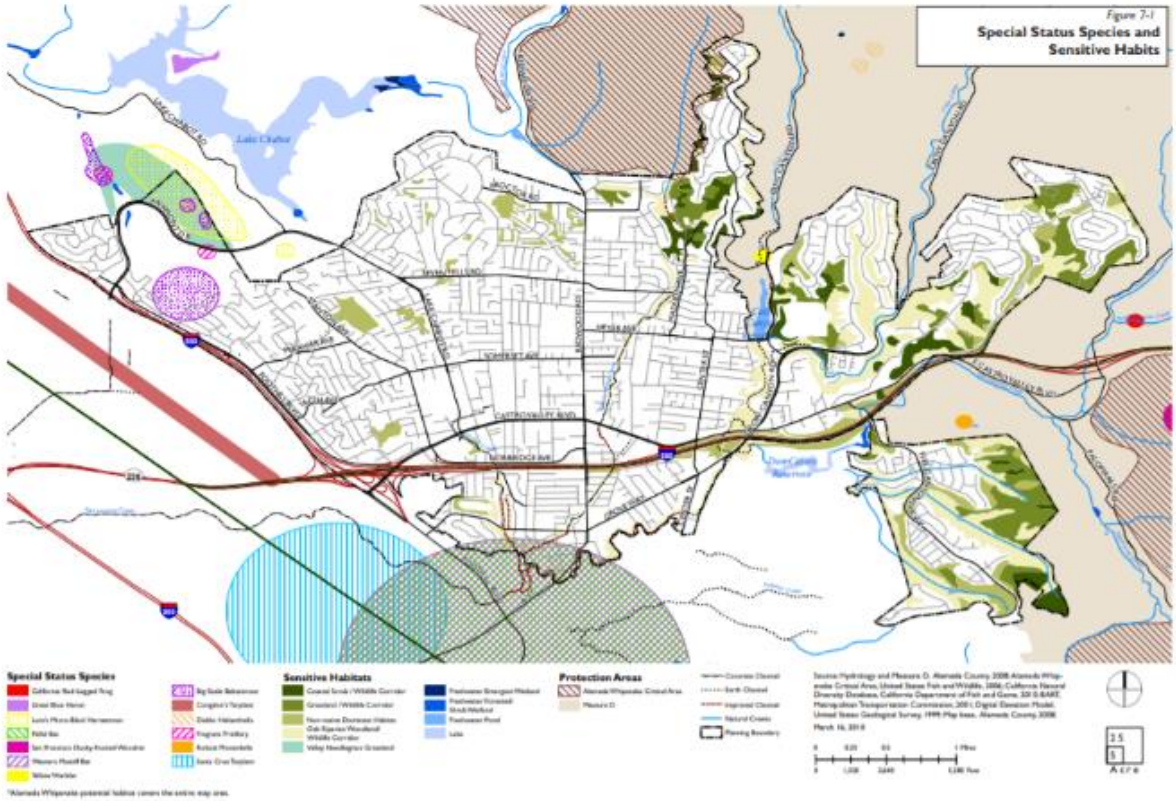


Figure 7-1
Special Status Species and Sensitive Habits
Special Status Species
Sensitive Habitats
Protection Areas

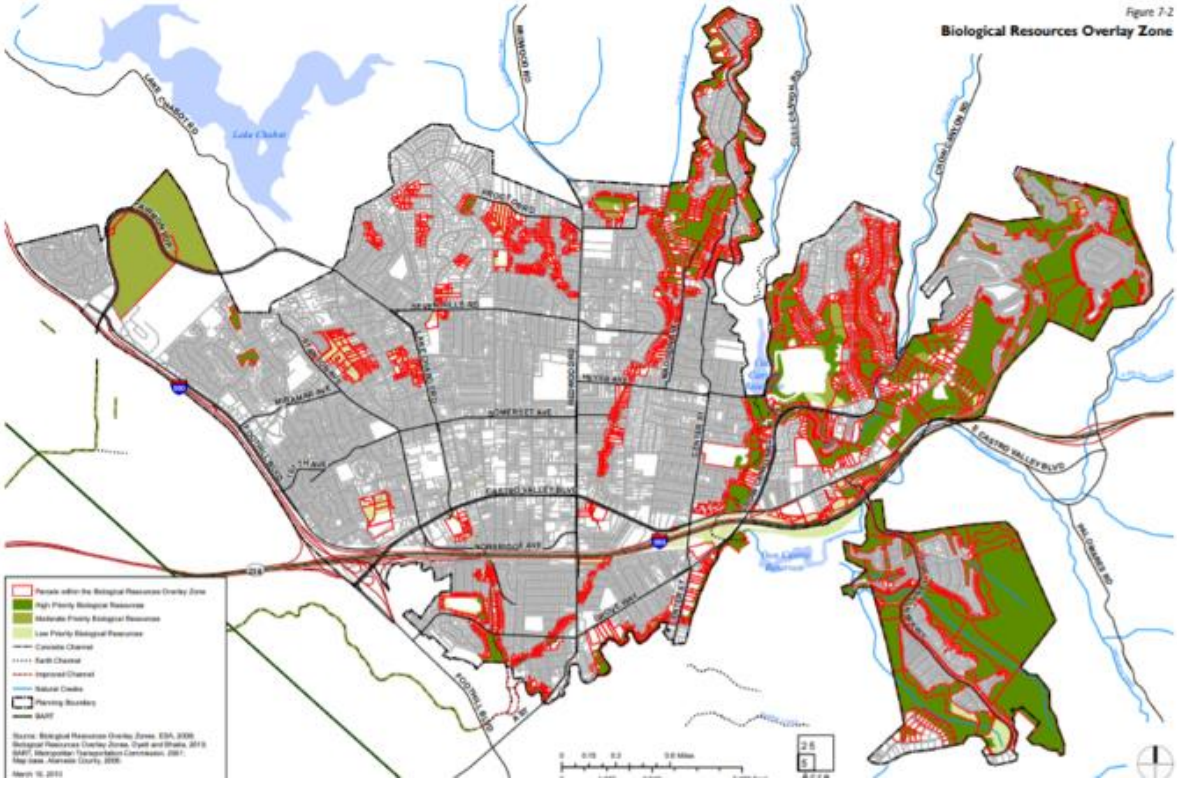


Figure 7-2
Biological Resources Overlay Zone

WILDLIFE AND SENSITIVE HABITAT GOAL

Goal 7.1-1 **
Protect Castro Valley's native wildlife through conservation and restoration of natural habitat.

WILDLIFE AND SENSITIVE HABITAT POLICIES

Policy 7.1-1 **
Major Wildlife Corridors Protection. Protect the major wildlife corridors that run through or are adjacent to Castro Valley: (1) the corridor along the East Bay Hills in the forest and chaparral between major interstate highways; and (2) along creeks.

Policy 7.1-2 **
Comprehensive Habitat Preservation. Preserve a continuous band of open space consisting of a variety of plant communities and wildlife habitat to provide comprehensive rather than piecemeal habitat conservation.

Policy 7.1-3 **
Open Space Preservation. Preserve the undeveloped areas designated as open space within planned unit developments as permanent open space.

Policy 7.1-4 **
Open Space Objectives. Require that open space provided as part of a development project be designed to achieve multiple objectives, including but not limited to: recreation, scenic values, habitat protection, and public safety.

Policy 7.1-5 ***
Riparian Habitat. New development shall not disturb any riparian habitat.

Policy 7.1-6 Watershed Plan Coordination. Encourage the formation of a San Lorenzo Watershed Commission charged with ensuring coordination between multiple agencies and overseeing preparation of a comprehensive watershed plan

WILDLIFE AND SENSITIVE HABITAT ACTIONS

Biological Resources

Action 7.1-1 *
Biological Resources Overlay Zone. Explore the possibility of a biological resources overlay zone delineating high, moderate, and low priority areas for habitat preservation, to ensure maximum protection of biological resources.

• Require discretionary review for all development applications on properties within the high priority biological resources overlay zone, and for large sites over two acres in size with moderate or low priority biological resources. Discretionary review could include one or more of the following: environmental assessment per the California Environmental Quality Act; site plan and development review; and/ or the application of Board policy or other ordinance requirements.

• Establish in the ordinance that on lands with biological resources, new development is not necessarily

entitled to achieve the maximum density allowed by the underlying zoning. An environmental assessment may be required, prepared by a qualified biologist, which shall be the basis for establishing development constraints specific to the property in question. Development intensity may be required to be reduced up to 50 percent of the intensity allowed by the underlying zoning, depending on the extent and value of the biological resources on the site.

• Establish thresholds of review for different types of projects, and different types of waterways. For example, a comprehensive environmental assessment should be required for new subdivisions, whereas minor improvements such as fences or decks may be exempt from special review if they meet specific standards.

Action 7.1-2
Biological Resources Maps and Inventories. Maintain maps and inventories of biological resources to use when conducting site plan and development review. Update these resources regularly to include new information from site surveys that are conducted in the planning area.

Action 7.1-3 *
Design Guidelines for Biological Resource Zones. Establish guidelines to ensure that development planned on or adjacent to high and moderate priority areas designated on the Figure 7-2, Biological Resources Overlay Zone will be designed to minimize impacts on sensitive resources and habitat areas.

• Apply these guidelines through the Planning Department's project review process.

• Include information about ways in which special-status plant and wildlife populations on private properties can be protected over time.

• Specify that watercourses and areas dominated by native trees and shrubs be left undisturbed by development to the maximum extent feasible.

Sensitive Habitat

Action 7.1-4 **
Open Space Preservation Mechanisms. Evaluate mechanisms to preserve open space and wildlife habitat to determine the most feasible options, such as zoning, fee title purchase, conservation easement purchase, or conservation easement dedication through density transfer, or density bonuses.

Action 7.1-5
Habitat Restoration Funding. Evaluate the feasibility of property tax credits and other possible funding sources for habitat restoration on larger size private lands as an incentive to foster the implementation of habitat restoration actions by private landowners.

Action 7.1-6 ***
Riparian Woodlands and Wetlands Mitigation. Discourage loss of riparian woodlands and seasonal and perennial wetlands, including ponds, by requiring replacement mitigation at a ratio to be determined by the value of the habitat to be lost. To facilitate replacement mitigation, the County shall support the creation of wetland or other habitat mitigation banks.

Action 7.1-7 *
Preservation and Protection of Riparian Vegetation. Consider adopting an ordinance to preserve and protect riparian vegetation, with exceptions for clearing hazards, clearing blocked channels, and other

activities necessary for public safety.

Policy 7.1-8
Historical Woodlands and Grasslands. Encourage the East Bay Regional Park District to restore historical woodlands and grasslands to provide natural habitat and reduce fire danger.

Wildlife Corridors

Action 7.1-9 *
Connect Open Space to Large Habitat Areas. In the review of new subdivisions and other new development, require the preservation of adequately wide strips of undisturbed land to connect larger tracts of natural habitat or areas with biological resources.

Action 7.1-10 **
Conservation Easements. Encourage local land trusts and other easement holders to prioritize and acquire easements that serve to protect wildlife corridors.

Action 7.1-11
Public Infrastructure. Actively encourage agencies responsible for public infrastructure to site and design roadways and utilities in such a way as to minimize impacts to wildlife corridors, creeks, and regional trails. Where appropriate, grade-separated crossings and/or other features should be used to maintain the viability of the affected corridor.

Action 7.1-12
Wildlife Movement Corridors. Protect the wildlife movement corridors of special status species where they cross under I-580.

7.2 CREEKS AND STREAMS

Creeks play a critical role in wildlife habitat protection, water quality protection (by filtering pollutants), surface water drainage, and flood prevention. There are several perennial and seasonal creeks within the Castro Valley planning area (see Figure 7-1). The main ones include Crow Creek, Cull Creek, San Lorenzo Creek, Castro Valley Creek, and Chabot Creek. Several unnamed tributaries convey flows to these creeks; however, this map shows only few of them. Various creek segments are natural, managed in concrete-lined or earthen channels, or contained in a closed conduit (culvert). As mentioned in Section 7.1, the well-developed riparian areas along Crow Creek and San Lorenzo Creek are important wildlife habitats and corridors.

These drainage patterns within Castro Valley are shaped by the region's topography, which consists of steeper areas located along the foothills of the Diablo Range that gradually flatten out onto an alluvial plain. Water drains from higher elevation areas in the adjacent undeveloped land outside the urbanized area, through Castro Valley, and then down through Hayward and San Lorenzo before it reaches San Francisco Bay. Sections of San Lorenzo Creek, Chabot Creek and Castro Valley Creek have been altered over the years with channels and culverts to convey higher flows.

The County has a Watercourse Protection Ordinance (Chapter 13.12 of the County General Code) that applies across the unincorporated area of Alameda County. Its purpose is to safeguard and preserve watercourses, protect lives and property, prevent damage due to flooding, protect drainage facilities, control erosion and sedimentation, and enhance the recreational and beneficial uses of watercourses. In order to better protect creeks and riparian corridors and enhance their benefits for wildlife and Castro

Valley's quality of life, specific actions should include revisions to the ordinance.

CREEKS AND STREAMS GOAL

GOAL 7.2-1 ***
Preserve and restore creek channels, and riparian habitat to protect and enhance wildlife and aquatic-life corridors, flood protection, and the quality of surface water and groundwater.

CREEKS AND STREAMS POLICIES

Policy 7.2-1 ***
Creek and Flood Channels. Protect all creeks and engineered channels that traverse the urbanized area of Castro Valley.

Policy 7.2-2 ***
Creek Setbacks. Establish adequate creek set backs to maintain and where appropriate enhance important stream functions.

Policy 7.2-3 ***
Creek Uses. Manage creeks for multiple uses including: scenic quality, recreation, water quality, soil conservation, groundwater recharge, and wildlife habitats.

Policy 7.2-4 ***
Natural/Nonstructural Creek Drainage Systems. Use and reclaim or fully restore natural or nonengineered creek drainage systems to the maximum extent feasible and look for opportunities to convert structural stormwater drain

CREEKS AND STREAMS ACTIONS

Action 7.2-1
Alameda County's Watercourse Protection Ordinance. Revise the County's Watercourse Protection Ordinance to ensure maximum protection of creeks and adjacent riparian habitat by requiring new development to provide sufficient setbacks and rights-of-way to meet the County's objectives for storm drainage, flood control, habitat protection, recreation, and other appropriate uses. Include the following provisions:

• Do not allow grading or structures within a creek bed, unless they are required to prevent flooding and erosion that pose an imminent hazard to public health and safety, or to prevent serious property damage;

• Require the preservation and/or restoration of natural drainage and habitat to the maximum extent feasible, without causing further acceleration of water flow or erosion further downstream;

• Increase the setback for habitable structures to ensure adequate distance between structures and an open creek channel.

• Require construction methods that minimize flooding and erosion;

• Consider limiting the amount of impervious surface within 100 feet of the top of the creek bed channel to limit erosion and acceleration of water flow into the creek channel;

• Establish basic standards for development in or near creekside areas, in order to clarify and expedite the permitting process;

• Require preparation of a creek protection plan for new construction or significant expansion on creekside properties. The creek protection plan shall: be prepared by qualified professionals; establish areas most suitable for construction; and identify construction procedures that will minimize impacts n creek channels and riparian vegetation.

Action 7.2-2
Review Procedures and Meetings. Establish review procedures and convene regular meetings to coordinate relevant departments, divisions, and public agencies to manage creek management and preservation goals.

Action 7.2-3
Comprehensive Creek Corridor Open Space Plan. Work with public agencies, nonprofit organizations, and other interested parties to develop a Comprehensive Creek Corridor Open Space Plan. The Plan shall identify: key acquisitions along creek corridors; restoration potential along creek corridors; and alternative management practices along creek corridors.

Action 7.2-4
San Lorenzo Creek Action Plan. Implement the San Lorenzo Creek Action Plan, prepared as part of the County Public Works Stormwater Quality Management Plan, as well as other restoration and trail projects in the San Lorenzo Creek watershed, to the extent that funds are available.

Action 7.2-5
Creek Protection and Restoration. Work with nongovernmental organizations such as the Friends of San Lorenzo Creek, the Urban Creeks Council on creek protection and restoration efforts in order to support community involvement and resource enhancement.

7.3 VEGETATION

In addition to providing habitat and movement corridors for a variety of wildlife species, Castro Valley's native and non-native vegetation contributes to the character of the area and provides other environmental benefits. The term "urban forest" is sometimes used to describe all of the vegetation, both public and private, in a community. In Castro Valley, the urban forest comprises vegetation in the planning area's neighborhood, community, and regional parks; street trees; community gardens; and even ornamental landscaping and backyard vegetable gardens on private property.

This variety of vegetation helps to manage stormwater by preventing erosion and plays a crucial function in water quality protection by filtering pollutants. Trees beautify neighborhoods, increase property values, reduce noise and air pollution, and create privacy. Trees also provide shade for recreational enjoyment, buildings, and paved areas. Work with non governmental organizations on stream protection and creek restoration, such as with Chabot Creek. Site planning with trees in appropriate locations can reduce the need for air conditioning and associated energy consumption. Although most of the orchards and farms that once abounded in Castro Valley have been replaced by development, an increasing number of residents are cultivating home gardens that provide food as well as environmental benefits.

The County's Tree Ordinance protects larger trees in public right-of-ways but no similar protection exists for trees on private property. Although the Castro Valley Central Business District Specific Plan includes landscaping requirements and guidelines, there are no comparable provisions applicable to development

in other parts of the planning area.

VEGETATION GOAL

GOAL 7.3-1
Maintain, preserve, and enhance trees and vegetation to provide environmental and aesthetic benefits.

VEGETATION POLICIES

Policy 7.3-1
Alameda County Tree Ordinance. Continue to implement and enforce the Alameda County Tree Ordinance to protect trees in the public right-of-way.

Policy 7.3-2 **
Native Environment. Maintain and enhance the existing environment by preserving existing native trees and plants whenever feasible, replacing trees on-site, and adding trees and other vegetation in the public right-of-way.

Policy 7.3-3
Gardening. Support local gardening by facilitating community gardens and creating markets for local goods.

VEGETATION ACTIONS

Action 7.3-1
Enforcement of Alameda County Tree Ordinance. Ensure that there is sufficient funding to enforce the Alameda County Tree Ordinance. Require permits for planning, pruning, or removing trees in the public right-of-way.

Action 7.3-2 *
Heritage Trees. Consider amending the Tree Ordinance to preserve and protect heritage trees including native oaks and other significant native trees on private property.

Action 7.3-3
Native Trees and Plants. Adopt guidelines to promote the use of native trees and plants when landscaping on any County property. Consider adopting guidelines to mitigate the impact of private development on land with significant habitat value.

Action 7.3-4
Community Gardens. Identify potential community garden sites and sup-port the establishment of such gardens.

Action 7.3-5
Planter Strips. Consider amending the County zoning ordinance to prohibit paving of planter strips.

Chapter 8
Community Facilities, Parks and Schools

This section not included in this excerpt of the CV General Plan.

8.1 COMMUNITY FACILITIES

This section not included in this excerpt of the CV General Plan.

8.2 PARKS AND RECREATION

This section not included in this excerpt of the CV General Plan.

8.3 TRAILS

Castro Valley residents have easy access to East Bay Regional Park District trails but, in contrast to more recently developed communities, there are relatively few trails and pathways connecting neighborhoods to one another or to the extensive resources that surround the community. Because most of the planning area was built up before communities recognized the value of making provision for non-automated transportation, the challenge is to identify and take advantage of opportunities to develop off-road pedestrian, biking, and equestrian trails as the community is built-out and redeveloped within its relatively limited existing boundaries.

TRAILS GOAL

GOAL 8.3-1 ***
Provide a comprehensive system of hiking, equestrian and bicycle trails to connect major park and recreation areas within and adjacent to the Castro Valley Planning Area, to connect neighborhoods, and to provide an alternative means of access between neighborhoods and the downtown.

TRAILS POLICIES

Policy 8.3-1 ***
Integration of Trails in New Development. Incorporate trails, greenways, and linear recreation facilities as integral components of new development.

Policy 8.3-2
Enhancement of Public Awareness about Trails. Increase public awareness of trails and pathways.

Policy 8.3-3 ***
Location of Trails within Flood Control and Riparian Corridors. When feasible, locate trials within the boundaries of flood control and riparian corridors. Site creekside trails to minimize disruption to riparian areas. Incorporate trails, greenways, and linear recreation facilities as integral concepts of new development.

TRAILS ACTIONS

Action 8.3-1
Amendment of Subdivision Requirements for Trail Linkages. Amend the County subdivision ordinance to require projects abutting existing parklands to provide linkages to the trail system.

Action 8.3-2
Downtown Pedestrian and Bicycle Path. Study the feasibility of developing a pedestrian and bicycle path linking the new Castro Valley Library to surrounding commercial and residential areas along Castro

Valley Creek.

Action 8.3-3 ***
Multiple Uses for Land Adjacent to Natural Watercourses. Identify opportunities for acquiring land along Castro Valley's natural watercourses to meet multiple objectives of flood protection, recreation, improved water quality, and increased non-motorized connectivity between residential, commercial, and civic areas.

Action 8.3-4 ***
Multi-Use Trail System. Coordinate with HARD, the Cities of Hayward and San Leandro, and the East Bay Regional Park District to provide trailheads and linkages to a multi-use trail system.

Action 8.3-5
Funding for Signage and Maps of Trail System. Seek public and private funding to install attractive signage and produce maps illustrating trails and pathways.

Action 8.3-6 ***
Route 238 Corridor Trail. Coordinate with HARD and other park agencies to incorporate a multi-use trail into the plans for development on land in the former Route 238 Corridor.

Flemming, Michael, CDA

From: Bruce King <bruceking8@gmail.com>
Sent: Monday, November 25, 2019 5:03 PM
To: Chauhan, Nisha, CDA; Ackerman, Hank; Valderrama, Arthur; Cho, Andy Hyun-Jae; Lopez, Albert, CDA; Paul McCreary; BOS District 4; Orduna, Rodrigo, CDA; Rogers, John; Ellen Morris
Subject: Bat Comments on Sept 2019 Ruby CEQA Analysis
Attachments: Schulze_RubyCEQA_Comments_191125.pdf

Planning, Public Works, Flood, HARD, Supervisor Miley, and Eden:

Attached are summary results and conclusions regarding bat monitoring conducted by bat expert Bethany Schulze from California State University Monterey Bay. Western red bats, a California Species of Special Concern, were detected at the Ruby Site.

These bats are foliage roosting species that roost in trees by hanging from the twigs and leaves. Any mature trees could therefore be suitable roosting habitat. The Ruby site has extensive mature trees within and beyond the minimum creek setback. When compared to habit described in well-cited bat research papers, the Ruby habitat appears to have strong similarities in species, configuration, and maturity of trees that western red bats are known to differentially select as their prime roosting and foraging habitat.

Bruce King

---------- Forwarded message ---------
From: **Bethany Schulze** <bschulze@csumb.edu>
Date: Mon, Nov 25, 2019 at 3:41 PM
Subject: Comments on Sept 2019 Ruby Analysis
To: <nisha.chauhan@acgov.org>

Hello Nisha,

Please see the attached document for my comments on the Ruby Street Apartment project.

Thank you,

Bethany

--
Bethany Schulze
Graduate student, California State University - Monterey Bay
Applied Marine and Watershed Science - Watershed concentration
bschulze@csumb.edu

Date: November 25, 2019

To: Nisha Chauhan, Senior Planner
Alameda County Planning Department
224 W. Winton Avenue, Rm 111
Hayward, CA 94544

From: Bethany Schulze
Field Assistant, bat monitoring – University of California, Santa Cruz
Conservation Analyst (bat projects) – Center for Natural Lands Management
Graduate Student, Environmental Science - California State University, Monterey Bay
bschulze@csumb.edu

Subject: Comments on the September 2019 CEQA Analysis of Eden Housing's Proposed Ruby Street Project

Dear Planning Department,

This letter includes comments on the September 2019 CEQA Analysis of Eden Housing's proposed Ruby Street Project covered under Site Development Review PLN2019-00024 dated June 17, 2019. The CEQA Analysis is covered in the document titled, "Ruby Street Apartment's Project – Environmental Checklist of Community Plan Exemption, September 2019."

The 2019 CEQA Analysis of Eden Housing's proposed Ruby Street Project fails to include impacts to a California Species of Special Concern – the western red bat. It is common for biological assessments done by consulting firms to exclude acoustic monitoring from their protocols due to lack of resources or experience. The section on bats in the biological assessment only included potential roosts for pallid bats and Townsend's big-eared bats which have very different roosting ecology from western red bats. Western red bats are foliage roosting species that roost in trees by hanging from the twigs and leaves (Pierson et al. 2011), therefore any mature trees could be suitable roosting habitat.

I performed acoustic monitoring of bats at the Ruby Street parcel using an Echometer Touch Bat Detector on August 25, 2019. I manually vetted the bat echolocation calls that were recorded and found that western red bats were detected during the four-hour recording session. August is typically the beginning of the fall migration period for western red bats. Western red bats breed in inland areas of California such as the Central Valley during the summer and migrate to southern and coastal areas during the fall. Riparian corridors such as the one at the Ruby Street parcel provide essential roosting foraging habitat for western red bats and are among the most threatened types of habitats on the planet (Dudgeon 2010).

I do not recommend approval of the Ruby Street Apartment Project because it will have serious impacts to the roosting and foraging habitat of western red bats.

References

Dudgeon D. 2011. Prospects for sustaining freshwater biodiversity in the 21st century: linking ecosystem structure and function. Current Opinion in Environmental Sustainability 2(5):422-430. DOI: 10.1016/j.cosust.2010.09.001

Pierson ED, Rainey WE, Wyatt D. 2011. Roosting and Foraging Habitat for the Western Red Bat (*Lasiurus Blossevillii*) in the Sacramento River Valley of California. Report for U.S. Fish and Wildlife Service, Red Bluff, CA.

Flemming, Michael, CDA

From: Bruce King <bruceking8@gmail.com>
Sent: Monday, November 25, 2019 10:26 PM
To: Chauhan, Nisha, CDA; Orduna, Rodrigo, CDA; Lopez, Albert, CDA; Ackerman, Hank; Cho, Andy Hyun-Jae; Paul McCreary; Valderrama, Arthur; Rogers, John; BOS District 4
Subject: Bat Comments on Sept 2019 Ruby Analysis
Attachments: Ruby CEQA FSLC Comments 2019 Nov 25.pdf; Schulze_RubyCEQA_Comments_191125.pdf

Planning, Public Works, Development, Flood, and HARD:

This morning I emailed you a copy of Friends of San Lorenzo Creek comments on the Ruby CEQA Analysis. In those comments I discussed western red bats and their connection to creeks, mature trees, and adequate riparian-area widths.

Attached are the summary results and conclusions regarding bat monitoring conducted by bat expert Bethany Schulze from California State University Monterey Bay. Western red bats, a California Species of Special Concern, were detected at the Ruby Site.

These bats are foliage roosting species that roost in trees by hanging from the twigs and leaves. Any mature trees could therefore be suitable roosting habitat. The Ruby site has extensive mature trees within and beyond the minimum creek setback. When compared to habit described in well-cited bat research papers, the Ruby habitat appears to have strong similarities in species and configuration of trees that western red bats are known to differentially select as their prime roosting and foraging habitat.

Bruce King

Bruce

---------- Forwarded message ---------
From: **Bruce King** <bruceking8@gmail.com>
Date: Mon, Nov 25, 2019 at 3:53 AM
Subject: FSLC Comments on Sept 2019 Ruby Analysis
To: Nisha Chauhan <nisha.chauhan@acgov.org>
Cc: CDA <rodrigo.orduna@acgov.org>, Lopez, Albert, CDA <Albert.Lopez@acgov.org>, Hank Ackerman <Hank@acpwa.org>, Andy Cho <andyhjc@acpwa.org>, Ellen Morris <Ellen.Morris@edenhousing.org>, Paul McCreary <mccp@haywardrec.org>, Arthur Valderrama <arthur@acpwa.org>, John Rogers <johnr@acpwa.org>, <nate.miley@acgov.org>, Marc Crawford <marc.crawford@acgov.org>, <Dolly.Adams@acgov.org>, <dollymaeadams@sbcglobal.net>, Castro Valley MAC <chuck.moore@acgov.org>, Castro Valley MAC <ted.riche@acgov.org>, Shelia Cunha <sheila.cunha@acgov.org>, Castro Valley MAC <Ken.Carbone2@acgov.org>, <Shannon.Killebrew@acgov.org>

Nisha,

Attached are comments from Friends of San Lorenzo Creek on the September 2019 CEQA Analysis of Eden Housing's Proposed Ruby Street Project.

The Ruby CEQA Analysis is on today's Nov 25 agenda of the CVMAC.

The comments document is long and detailed, but there is a two-page overview starting on the second page.

Bruce King
Friends of San Lorenzo Creek

FRIENDS OF SAN LORENZO CREEK

Date: November 24, 2019

To: Nisha Chauhan, Senior Planner
Alameda County Planning Department
224 W. Winton Avenue, Rm 111
Hayward, CA 94544

From: Bruce King
Friends of San Lorenzo Creek
BruceKing8@gmail.com

Bruce W. King

Cc: Hank Ackerman, ACPWA Flood Control
Andy Cho, ACPWA Grading Division
Albert Lopez, Planning Director
Paul McCreary, HARD General Manager
Nate Miley, Alameda County Supervisor, District 4
Ellen Morris, Eden Housing Project Manager
Rodrigo Orduna, Assistant Planning Director
John Rogers, ACPWA Permits
Arthur Valderrama, ACPWA Land Development
CVMAC Members

Subject: Friends of San Lorenzo Creek Comments on the
September 2019 CEQA Analysis of Eden Housing's Proposed Ruby Street Project

Dear Planning Department,

This letter provides comments on the behalf of Friends of San Lorenzo Creek (FSLC) on the September 2019 CEQA Analysis of Eden Housing's proposed Ruby Street Project covered under Site Development Review PLN2019-00024 dated June 17, 2019. The CEQA Analysis is covered in the document titled, "Ruby Street Apartment's Project – Environmental Checklist of Community Plan Exemption, September 2019."

This project includes: a) a four-story apartment building containing 72 dwelling units (at 24.5 units per acre) and ~109 open parking spaces all on 2.95 acres; and b) a trail corridor design on 2.95 acres. All of the above is subject to a pending boundary adjustment to merge 21 parcels and create 3 new parcels (noted as Parcel A, B, and C in the plans).

This proposed project is in a riparian and wildlife corridor of San Lorenzo Creek. FSLC comments focus on ensuring the creek, banks, required creek setbacks, oak riparian woodland, and wildlife corridor of the creek are protected and maintained in a healthy condition.

FSLC does not recommend approval of this project.

OVERVIEW

Friends of San Lorenzo Creek does not recommend approval of this proposed project. The plan is too big for the site. The project covers over and destroys Ruby Meadow's woodland and wildlife corridor that extends beyond the minimum creek setback. The County in its CEQA Analysis whitewashes this habitat in the proposed development area, ignores policies and requirements that protect the habitat, and does not assess cumulative impacts. We want local affordable housing on other currently available sites.

- Ruby Meadow is a unique site in the riparian and wildlife corridors of San Lorenzo, Chabot, and Castro Valley Creeks. This Meadow is the largest remaining natural site along this reach of San Lorenzo Creek (our largest creek) that has been in public hands for more than 50 years. This site should be used as park, open space, and for preservation.
- Continuous aquatic and terrestrial natural wildlife corridors follow the natural creeks throughout this area and cross this proposed project site. The creeks include San Lorenzo Creek, Chabot Creek, and Castro Valley Creek. These continuous, natural-creek corridors extend from the hills in the east, down Crow Creek and San Lorenzo Creek, through this proposed project site, to Foothill Boulevard, to Route 238 Parcel 8, up Chabot Creek to Strobridge Avenue, and up Castro Valley Creek to Grove Way.
- We want affordable housing, but we want it built in our community on other currently available Route 238 and urban parcels. Eden Housing's proposed plan is designed to maximize affordable housing, is too big for the site, and destroys the site's extensive mature trees, oak riparian woodland, and wildlife corridor that extends beyond the minimum creek setback and up and down the creek systems.
- A plan for affordable housing on the site, acquisition of Caltrans public land, and zoning coordination started eight or more years ago without much local community input and without first considering the habitat, area's park deficiencies, and park agency acquisition. The plan and zoning have been advanced by Eden Housing, Alameda County Community Development Agency (Housing, Redevelopment, & Planning), Housing Authority, and Caltrans.

OVERVIEW
(continued)

- The plan proposes maximum density with bonuses, but the General Plan states that development (i.e., on future Parcel A) should be reduced by 50% in intensity to protect the biological resources (e.g., mature trees and woodland).
- The plans show non-compliant "development" (i.e., grading, fencing, and/or retaining walls) covering ~60% of the minimum creek setback and conservation/mitigation areas. These developments must be removed from the setback.
- The County's CEQA Analysis tries to whitewash biological resource protections for the broader creek corridor and trees by: a) narrowly defining the "riparian habitat, riparian corridor," and habitat types; and b) not using the broader terms, principles, and policies used in the General Plan, such as "oak riparian woodland, wildlife corridor, and sensitive habitat areas."
- Monitoring for bats identified three species that were not identified in the CEQA Analysis. Western red bat was one of the newly identified species. This species is an uncommon bat and California Species of Special Concern.
- The size of this project needs to be greatly reduced (e.g., by 50%) to preserve the major stands and large numbers of mature native and non-native trees and the width of the San Lorenzo Creek riparian corridor. This habitat closely matches the species and configuration of trees that western red bats are known to differentially select as their prime roosting and foraging habitat. This action not only protects and provides habitat for common native plant and animal species, but also special-status species such as western red bats. This species is a tree bat that roosts high in the foliage of mature trees.
- An Environmental Impact Report (EIR) is required for this project to assesses cumulative impacts on the riparian and wildlife corridors and inconsistencies with the General Plan. CEQA requires an EIR and cumulative impact analysis when the cumulative impacts of past, present, and future actions result in significant damage to the San Lorenzo Creek ecosystem. When the County continues to allow all projects to develop up to the minimum creek setback and remove significant habitat that is present outside the minimum setback, protective General Plan Biological Resources policies and goals have little value.



SPECIFIC COMMENTS

Comments in this section are generally presented and identified in the order in which the topics are presented in the CEQA Analysis document.

CEQA Analysis, II. Purpose and Summary of This Document,
B. Community Plan Exemption

- Comment II.B.1 – EIR Required for Cumulative Impacts and Regulatory Inconsistencies

This proposed project requires an Environmental Impact Report (EIR) as directed by CEQA because: a) a cumulative impact analysis is required; and b) the project is not consistent and compliant with many of the regulatory guidelines for Alameda County (e.g., General Plan, Water Course Protection Ordinance, Specific Plan for Areas of Environmental Significance). A CEQA Community Plan Exemption analysis is not sufficient and compliant.

The Ohlone Audubon Society (Terry Preston) provided comments to the Planning Department (Nisha Chauhan) on this project on July 8, 2019. These comments discuss the CEQA requirement for a cumulative impact analysis and consistency with regulatory guidelines as it relates to this project. Please refer these Ohlone Audubon Society comments and respond to each significant comment in the letter.

Here's a few introductory points regarding cumulative impact analysis from the Ohlone Audubon Society letter:

- "CEQA requires a cumulative impact analysis (CEQA Guidelines Section 15130) when the cumulative impacts of past, present and future actions result in significant damage to the San Lorenzo Creek ecosystem. An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3)."
- "There is substantial evidence that this project, in addition to all past and potential future projects along the banks of San Lorenzo Creek will have significant negative cumulative impacts on the health of San Lorenzo Creek, it's wildlife and other biological resources and ultimately San Francisco Bay. In addition, a 20-foot setback is simply not enough to support the needs of the wildlife that may use it. There is a creek bank and channel for movement along the wildlife corridor, but the project would leave little left to fill the need of a place to nest, raise young, hunt and forage. The stream course and setback are not enough."

Project inconsistency with Alameda County regulatory guidelines also indicates an EIR is required. Inconsistency is covered in the Ohlone Audubon Society letter, in the next comment below, and in many subsequent comments herein.

CEQA Analysis, II. Purpose and Summary of This Document,
C. Project Consistency with General Plan and Zoning

- Comment II.C – Project Not Consistent with the General Plan

The Ruby Street proposed housing project is not consistent with many policies identified in the General Plan EIR and requirements in other development standards. These inconsistencies indicate an EIR is required. Comments in this and other sections explain this comment further.

- Comment II.C.1 – No "Environmentally Superior" Alternative, BROZ, or Reduced Density

Existing EIR text. According to the General Plan EIR (Section 4, Alternatives): "CEQA also requires identification of an "environmentally superior" alternative. In this case, the proposed General Plan meets this requirement. The basis for this determination is that the proposed Plan will: Provide greater protection of biological resources due to the proposed biological resources overlay zone and reduced density in creek corridors…"

General Plan EIR, Section 2.3 General Plan Land Use Classifications

Table 2.3-2: Public and Open Space Land Use Classifications

Land Use Category	Description	Corresponding Existing Zoning	Proposed Zoning
Biological Resources Overlay	The biological resources overlay zone delineates high, moderate, and low priority areas for habitat preservation in order to ensure maximum protection of biological resources.	NA	See Figure 7-2

Source: Kahn/Mortimer/Associates and Dyett & Bhatia: 2010

Comment. The implementation of the General Plan and this proposed project does not comply the CEQA requirement to identify an "environmentally superior" alternative. The General Plan and this project does not comply because: a) The County has not implemented Biological Resources Overlay Zone (BROZ) policies and design guidelines; b) This project's CEQA Analysis has not identified and assessed the BROZ areas that extend over much the project site in accordance with the habitat terms and principles used in the General Plan and EIR; and c) The project does not reduce density in the creek corridor to protect habitat. For all these reasons, the project is also not consistent with the General Plan.

In fact, the project proposes development (e.g., grading) inside the minimum creek setback, development of most of future Parcel A, destruction of 87 (or 90%) of the trees in the oak riparian woodland and wildlife corridor that are outside the minimum creek setback, and significant housing density bonuses. This project requires an EIR to identify "environmentally superior" alternatives that include: a) development that reduces density in the creek corridor to ensure habitat protection, and b) no development or development at a different site.

Additional Information.

- Inconsistencies in assessment using habitat terms and principles are discussed in greater detail in Comments III.C.4 ~ C.b.2 and III.C.4 ~ C.b.3.
- Attachment B shows the site's designated BROZ, Sensitive Habitat, and Oak Riparian Woodland/Wildlife Corridor areas.
- Attachment E provides site tree data.

▪ Comment II.C.2 – Woodland and Wildlife Corridor Removal

General Plan Policies and Goals.
Section 2.5 of the General Plan EIR is titled Key Policies of the Proposed General Plan. Listed below are some policies and goals EIR Section 2.5 that are related to this Ruby project and its biological resources.

- Land Use and Community Development, Residential Development (page 2-30)
  The key policies proposed to achieve these goals are:
  - Lot subdivisions and building footprints shall be designed to preserve natural vegetation, biological resources, and stands of large trees to the maximum extent feasible.
- Biological Resources (page 2-36)
  This chapter addresses the protection and enhancement of Castro Valley's significant biological resources, which are concentrated in creek corridors, canyons, and hillside open space areas set aside as part of planned developments. The specific goals are to:
  - Protect and enhance native wildlife through conservation and restoration of a continuous network of connected natural habitat.
  - Preserve creek channels and riparian habitat to protect and enhance wildlife corridors, flood protection, and the quality of surface water and groundwater.
  - Maintain, preserve, and enhance trees and vegetation to provide habitat and protect the natural environment.

Comment.
The proposed project is not consistent with the General Plan because the project did not assess and apply the above General Plan policies and goals to the project areas that are beyond the minimum creek setback where development is planned and extensive oak riparian woodland and wildlife corridor is proposed for removal. In fact, these General Plan policies and goals have little value if the County continues allow all projects to develop up the minimum creek setback and remove significant tree habitat that is outside the minimum setback.

For example, this project is not "…designed to preserve natural vegetation, biological resources, and stands of large trees to the maximum extent feasible…" as stated in General Plan policy. In fact, the project proposes within the development area to demolish an extensive number of trees (87 total trees or 90%), native trees (45 trees or 45%), and other woodland that is closely associated with the oak riparian woodland and wildlife corridor. About a third of these trees (31 trees or 32%) have diameters 2 feet or larger, 25 of these trees are planned for removal, and many would be considered heritage trees. See tree survey data in Attachment E and aerial views of the oak riparian woodland in Attachment B. The project needs to be down sized and redesigned to preserve natural vegetation and

biological resources, especially the stands of very large native (e.g., oak and bay) and non-native trees. These also provide habitat for wildlife. For example, the western red bat is present and requires these wide swaths of very large, mature trees for roosting and foraging.

These are significant impacts. For the reasons stated above, the project is not consistent with the General Plan and findings of the General Plan EIR.

CEQA Analysis, II. Purpose and Summary of This Document,
C. Project Consistency with General Plan and Zoning

- Comment II.C.4 - Significant Impact of Development In Setback & Conservation Areas

Existing Text. Section II.C on page 22 of the CEQA document states: "Lastly, properties in Alameda County are required to conform with Alameda County General Ordinance Code 13.12.320, which establishes a 20-foot minimum setback requirement for developments near creeks. The project would comply with this requirement. A thorough investigation and biological assessment was conducted in the creek/riparian zone to determine if any site-specific impacts would be created, using General Plan policies specific to areas with high priority biological resources. No significant impacts were identified. For the above reasons, the project is consistent with the General Plan and the findings of the General Plan EIR."

Comment. CEQA Analysis Section II.C incorrectly states that the project complies with Alameda County General Ordinance Code 13.12.320 (Watercourse Protection Ordinance, WPO) and there are no significant impacts.

- The project does not comply with the WPO because the project plans show substantial grading of soils (up to 4 feet deep) over ~60% of the minimum 20-foot setback area and associated conservation easement area. In addition, trail plans show a 3.5-foot-high fence along the trail that is 2.5 feet inside the minimum creek setback line. See this development in Attachment C. Such development inside the setback (i.e., grading, fence, and/or retaining wall) is generally not permitted under the WPO and does not satisfy the purposes of the WPO. In addition, the conservation easement is a required and protected riparian mitigation area with required native plant monitoring and maintenance.
- Grading, fences, and/or retaining walls in these areas are generally not be permitted, and any such developments would require mitigations.
- This aspect of the project is a significant impact and the project is therefore not consistent with the General Plan and the EIR findings. This significant impact needs to be documented in the Biological Resources Significance Criteria table (Section III.C on page 40) by marking both criteria C.b and C.e as "new or substantial increase" along with a thorough analysis in the Biological Resources Section.

Additional Explanation. The grading plans show the daylight limit extends over ~60% of the 20-foot setback area and associated conservation easement area. Some grading cross sections also show the change in grading elevation to be 4-feet. In addition, trail plans show a 3.5-foot-high fence along the trail that is 2.5 feet inside the minimum creek setback line. See excerpts of the grading and landscape plans in Attachment C. Such grading, fences, and/or retaining walls inside

the setback are defined as "development" under the WPO, are generally not permitted under the WPO, and does not satisfy the purposes of the WPO. See Attachment D for relevant definitions and requirements of the WPO. Note that: a) "Development" means any act of filling, depositing, excavating or removing any natural material; and b) One of the purposes of the WPO that must be satisfied is prevention of activities that would "…destroy riparian areas or inhibit their restoration."

CEQA Analysis, III. CEQA Checklist, A. Aesthetics, 2. Project Analysis
Significance Criterion A.a, Scenic Vistas

- Comment III.A.2 ~ A.a.1 – Creek Viewing from The Trail
  This section states that "…The [multi-use] trail would provide new views of the creek for recreational users." Such viewing is unlikely (based on site experience) that trail users will be able to see the creek from the trail since the trail is setback, the creek is deep, and there is a 3.5-foot fence along the trail. Any developer of this site will need to work with the conservation easement holder (Flood Control) to determine how and where the trail users can closer to the top-of-bank to see down into the creek.

CEQA Analysis, III. CEQA Checklist, A. Aesthetics, 2. Project Analysis
Significance Criterion A.c, Visual Character and Quality

- Comment III.A.2 ~ A.c.1 – Description of Existing Trees and Visual Impact
  The description of trees and woodlands (or lack thereof) for this site and the surrounding area sounds like someone wrote this that did not want to describe: a) all the tree cover on the site and in the surrounding creek corridors, and b) the visual impact that this development will have when the existing trees are removed and replaced by buildings, parking lots and a trail that in some cases is four feet above the minimum creek setback elevation. Take a look at the tree and habitat descriptions in Comment III.C.4 ~ C.b.2.4, tree data and pictures in Attachment E, and aerial views of trees in Attachment B… then write a real description of how most of the site's mature trees/woodland would be replaced by development and landscaped trees. Oh, come on, you can do better if you try even a little.

- Comment III.A.2 ~ A.c.2 – It's not Coyote Creek
  This section mentions "Coyote Creek." There is no "Coyote Creek," except when you look on Google Maps. Look at the aerial view on the third page of Attachment B for the names of the creeks. Castro Valley Creek and Chabot Creek converge to form Chabot Creek near the HARD Senior Center, and then Chabot Creek flows into San Lorenzo Creek.

- Comment III.A.2 ~ A.c.2 – Dark Sky Lighting
  The visual and wildlife impacts of night-time lights shining towards riparian areas and trees needs to be discussed. This site currently has no lights on the site. The project should use International Dark Sky Association guidelines and certified outdoor fixtures.

CEQA Analysis, III. CEQA Checklist, C. Biological Resources, 3. Regulatory Framework

- Comment III.C.3 – Add Local Polices to the Regulatory Framework

Add the following local polices to the Regulatory Framework in the Biological Resources section of the project's CEQA Analysis: Watercourse Protection Ordinance, Specific Plan for Areas of Environmental Significance, Alameda County Resources Conservation Element, and ROSA. These policies are included in the CV General Plan EIR.

Watercourse Protection Ordinance
The Watercourse Protection Ordinance (WPO) contains requirements for development and activities in and adjacent to creeks in unincorporated Alameda County. The WPO generally does not allow "development" and "structures" within the required setback area and any riparian area. A required setback for an open course channel with steep earthen banks would typically be determined by first calculating a 2:1 slope from the toe of all sections of the creek and then adding a 20-foot minimum additional setback distance. Then the locations of current and damaged riparian areas must also be determined and include in the setback area. The location of riparian areas must be included in the setback since "…the purpose of setbacks is… preventing activities that would… destroy riparian areas or inhibit their restoration."

Specific Plan for Areas of Environmental Significance (1977)
This is a countywide specific plan that creates a Site Development Review process for designated areas of environmental significance. These areas are located throughout the county in riparian areas, where a watercourse forms the environmental focal point, and along the scenic route corridors identified in the County's Scenic Routes Element. The specific plan provides development guidelines but does not regulate permitted land uses. The County's proposed Resources, Open Space, and Agriculture (ROSA) elements, described below, are intended to replace this plan.

Alameda County Resources Conservation Element (1994)
The existing Alameda County Resources Conservation Element (1994) requires the County to locate uses or development that would seriously impact or jeopardize biological resources away from areas with significant biological resource value. The RCE requires the County to prioritize the preservation of lands that should be left substantially undeveloped including riparian habitats, habitat of rare or endangered species, and wetlands supporting concentrations of waterfowl. The RCE also requires the County to encourage the protection and restoration of sensitive and rare habitat types, including native grasslands, riparian woodlands, and oak woodlands, and to designate Sensitive Habitat Areas (SHAs) as a way to protect unique resources from development. The RCE also proposed that all SHAs were to be reclassified to Resource Management district.

Alameda County General Plan - Resources, Open Space, & Agriculture (ROSA) elements
The County is updating its Resource Conservation, Open Space, and Agriculture (ROSA) elements. The Castro Valley General Plan must be consistent with the countwide ROSA

elements, which will also incorporate the policies for lands outside the Planning Area that voters adopted in 2000 with the approval of Measure D. The updated ROSA will replace the existing resource, open space, and agriculture elements as well as the 1966 Scenic Route Element, the 1973 Open Space Element, and the 1977 Specific Plan for Areas of Environmental Significance.

The existing Alameda County Resources Conservation Element (1994) requires the County to locate uses or development that would seriously impact or jeopardize biological resources away from areas with significant biological resource value. The RCE requires the County to prioritize the preservation of lands that should be left substantially undeveloped including riparian habitats, habitat of rare or endangered species, and wetlands supporting concentrations of waterfowl. The RCE also requires the County to encourage the protection and restoration of sensitive and rare habitat types, including native grasslands, riparian woodlands, and oak woodlands, and to designate Sensitive Habitat Areas (SHAs) as a way to protect unique resources from development. The RCE also proposed that all SHAs were to be reclassified to Resource Management district.

When adopted, the ROSA elements would substantially contribute to the preservation and protection of biological resources throughout the County's unincorporated area. The proposed Castro Valley General Plan incorporates a number of the policies from the ROSA Resource Conservation and Open Space elements that would, in the meantime, only be applicable to this Planning Area. These policies deal with issues such as stream protection, stormwater drainage, standards for creekside development, protection of biological resources, habitat protection and restoration, tree protection, open space preservation, and open space dedication requirements.

CEQA Analysis, III. CEQA Checklist, C. Biological Resources, 4. Project Analysis

- Comment III.C.4 – General Plan and EIR Goals, Policies, and Actions
  Unlike other sections, no Biological Resources goals, policies, and actions from the General Plan and EIR are included in the Project Analyses for each criterion. Review and incorporate the relevant General Plan Biological Resources goals, policies, and actions (see Attachment G).

CEQA Analysis, III. CEQA Checklist, C. Biological Resources, 4. Project Analysis
Significance Criterion C.a, Special Status Plant and Animal Species

- Comment III.C.4 ~ C.a.1 – Scope of Caltrans Plant Restoration

  Existing Text. The Special Status Plant Species section on page 45 states: "The riparian corridor has been restored with common, native riparian trees, shrubs, forbs, and grasses as part of the Hayward Riparian Mitigation State Route 84 Pigeon Pass Realignment Project, but due to prior disturbance, special-status plants are unlikely to occur."

  Revise Text. These sentences should be revised to state: "Some areas of creek bank and some areas within 20 feet of the top of bank were restored with common, trees, shrubs, forbs, and grasses as part of the Hayward Riparian Mitigation State Route 84 Pigeon Pass Realignment Project. New trees were limited to red willows planted on some lower creek banks. But due to prior disturbance, special-status plants are unlikely to occur."

Reason for Change. The Caltrans mitigation project Natural Environmental Study stated that the project would enhance and restore 1.83 acres of riparian woodland to satisfy a portion of the mitigation required for the Pigeon Pass Realignment Project. The Caltrans project did not define or claim to "restore the riparian corridor." In fact, the Caltrans project did not plant significant native plants in major sections of creek bank and top-of-bank areas that were disturbed during the project. See Attachment G for excerpts from the Caltrans project.

- Comment III.C.4 ~ C.a.2 – Special Status Plants in Caltrans Biological Study Area

  Existing Text. The Special Status Plant Species section on page 45 states, "Additionally, the NES prepared for the Hayward Riparian Mitigation State Route 84 Pigeon Pass Realignment Project, which evaluated the potential for special-status plants to occur within the project site's riparian corridor, states that no special-status plants are expected to occur within the riparian corridor due to the lack of suitable habitat."

  Revise Text. These sentences should be revised to state: "Additionally, the NES prepared for the Hayward Riparian Mitigation State Route 84 Pigeon Pass Realignment Project, which evaluated the potential for special-status plants to occur within the project's biological study area (BSA), stated that no special-status plants were expected to occur within the BSA due to the lack of suitable habitat."

  Reason for Change. The Caltrans NES states: "No special-status plants are expected to occur within the BSA. Habitat conditions within the BSA are not suitable for special plant species identified in the literature review." The Caltrans NES did not use or define the term "riparian corridor."

- Comment III.C.4 ~ C.a.3 – Special Status Bats

  Monitoring for bats at the Ruby site was led and analyzed by a bat expert from California State University Monterey Bay, Bethany Schulze. Monitoring was conducted in August, October, and November 2019. Results of this monitoring and conclusions are provided in Attachment F. This monitoring identified the presence of the following species of bats:
  - Yuma myotis, a very common and not currently threatened bat
  - Mexican free-tail bat, a very common and not currently threatened bat
  - Western red bat, an uncommon bat and California Species of Special Concern

  Add this monitoring information to the CEQA Analysis and add western red bats to the list of special-status animal species.

  The CEQA Analysis also noted that the following special-status animal species are known to occur in the vicinity of the site and for which suitable habitat is present: Townsend's western big-eared bat (*Corynorhinus townsendii townsendii*), western mastiff bat (*Eumops perotis californicus*), and pallid bat (*Antrozous pallidus*).

- Comment III.C.4 ~ C.a.4 – Add General Plan Policies and Actions Related to Special Status Bats

Add the following General Plan policies and actions to the CEQA Analysis. These polices and actions are applicable to this project and are listed under General Plan EIR Impact 3.5-5 as required to reduce risk to special status bat species or their habitat to less than significant.

EIR Impact 3.5-5 Proposed General Plan Policies & Programs that Reduce the Impact
The Draft General Plan proposes establishment of a Biological Resources Overlay Zone to protect areas with substantive biological resources, such as creeks, hillsides, and riparian areas, by requiring special review of proposed development in the zone. Figure 3.5-1 of this EIR identifies the biological resource priority levels in the Planning Area. The highest priority resources would be waterways, drainages, oak riparian woodland, permanent open space areas, and coastal scrub areas near creeks or large open space areas. Special review would be required for projects in high priority areas as well as for development on sites larger than two acres in moderate- and low-priority zones. Special review may involve environmental review, site plan and development review, and the application of board policy or ordinance requirements. Other policies and programs that would reduce the Plan's impact on special status bat species or their habitat include the Policies 7.1-1, 7.1-2, 7.1-3, 7.1-11, 7.2-4, 7.3-1, 7.3-2, 7.3-3, 7.3-4 and Actions 7.1-2, 7.1-3, 7.3-1.

Policy 7.1-1 Protect the County's major wildlife corridors that run through Castro Valley: (1) the corridor along the east Bay Hills in the forest and chaparral between major interstate highways; and (2) along streams, especially those with riparian vegetation. (Reference – Draft ROSA Policy RC-41, Protection of Wildlife Corridors)

Policy 7.1-2 Preserve a continuous band of open space consisting of a variety of plant communities and wildlife habitats to provide comprehensive rather than piecemeal habitat conservation for all of Alameda County. (Reference – Draft ROSA Policy OS-3, Contiguous Habitat Conservation)

Policy 7.1-3 Incorporate design features that minimize the impacts of development on biological resources in any development planned on or adjacent to high and moderate priority areas designated on the Figure 3.5-2, Biological Resources Overlay Zone (Reference – Draft ROSA Policy RC-24, Minimization of Biological Impacts)

Policy 7.1-11 Require that open space provided as part of a development project be designed to achieve multiple open objectives, including but not limited to: recreation, scenic values, habitat protection, and public safety. (Reference - Draft ROSA Policy OS-11, Open Space Provided by Development)

Policy 7.2-4 Require new development to set aside sufficient right-of-way and setback areas to accommodate multi-use objectives for storm drainage, flood control features, recreation, habitat protection, and other appropriate uses. (Reference – Draft ROSA Program 6 – Require Setbacks)

Policy 7.3-1 Continue to implement the Alameda County Tree Ordinance to protect trees in the public right-of-way.

Policy 7.3-2 Ensure that new development contributes to the maintenance and enhancement of the community's natural environment by preserving existing native trees whenever feasible, replacing trees on-site, and adding trees and other vegetation in the public right-of-way.

Policy 7.3-3 Promote the use of native tree and plant species in public and private landscaped areas.

Action 7.1-2 Establish a Biological Resources Overlay Zone delineating high, moderate, and low priority areas for habitat preservation, to ensure maximum protection of biological resources.

- Require discretionary review for all development applications on properties within the high priority biological resources overlay zone, and for large sites over two acres in size with moderate or low priority biological resources. Discretionary review could include one or more of the following: environmental assessment per the California environmental quality act; site plan and development review; and/or the application of Board policy or other ordinance requirements.
- Establish in the ordinance that on lands with biological resources, new development is not necessarily entitled to be built to the maximum density allowed by the underlying zoning. An environmental assessment may be required, prepared by a qualified biologist, which shall be the basis for establishing development constraints specific to the property in question. Development intensity may be required to be reduced up to 50 percent of the intensity allowed by the underlying zoning, depending on the extent and value of the biological resources on the site.
- Establish thresholds of review for different types of projects. For example, a comprehensive environmental assessment should be required for new subdivisions, whereas minor improvements such as fences or decks may be exempt from special review if they meet specific standards.

Action 7.1-3 Develop design guidelines for development projects about how to minimize the impacts of development on biological resources. Apply these guidelines through the Planning Department's project review process. Include information about ways in which special-status plant and wildlife populations on private properties can be protected over time. Specify that watercourses and areas dominated by native trees and shrubs be left undisturbed by development to the maximum extent feasible.

- <u>Comment III.C.4 ~ C.a.5 – Significant Inconsistencies and Impacts Related to Special Status Bats</u>

This project is not consistent with the special status bat species polices and actions listed above and will have significant impacts on bat species such as the special-status western red bats that are present. As such, the CEQA Analysis impact rating for biological resources significance criteria C.a for special status species (page 40) should be changed to "new or substantial increase."

This project plan is not consistent with Policies 7.1-1, 7.1-2, 7.1-3, 7.3-2 & Actions 7.1-2 and 7.1-3. The proposed project does not:

- Protect the necessary width and continuity of San Lorenzo Creek's major riparian and wildlife corridor (Policies 7.1-1 and 7.1-2)
- Minimize the impacts of development on biological resources for development that is planned on and adjacent to the site's designated high priority biological resource areas (Policy 7.1-3). See this site's high priority biological resource areas in Attachment B.
- Contribute to the maintenance and enhancement of the community's natural environment by preserving existing native trees on the project site (Policy 7.3-2). See the site's data on the mature native and non-native trees in Attachment E.
- Use the site's identified and extensive high priority Biological Resources Overlay Zones for habitat preservation to ensure maximum protection of biological resources (Action 7.1-2), as shown in Attachment B.
- Reduce the development density by up to 50 percent based on the high priority biological resources that are present (Action 7.1-2)

In addition, the County has not implemented Action 7.1-3 that includes:

- Development of design guidelines for projects about how to minimize the impacts of development on biological resources.
- Application of these guidelines through the Planning Department's project review process. Inclusion of information about ways in which special-status plant and wildlife populations on private properties can be protected over time.
- Specification that watercourses and areas dominated by native trees and shrubs be left undisturbed by development to the maximum extent feasible.

- Comment III.C.4 ~ C.a.6 – Reduce Development and Preserve Trees to Protect Special Status Bats

The size of this project needs to be greatly reduced (e.g., by 50%) to preserve the major stands and large numbers of mature native and non-native trees and the width of the San Lorenzo Creek riparian corridor. This action not only protects and provides habitat for common native plant and animal species, but also special-status species such as western red bats. Western red bats are a tree bat that roosts high in the foliage of mature trees. See Attachment F for research excerpts regarding WRB prime habitat.

The project proposes to remove major stands and large numbers of mature native and non-native trees in the San Lorenzo Creek riparian corridor/zone that closely match the species and configuration of trees that western red bats are known to differentially select as their prime roosting and foraging habitat.

- The research on western red bats reports that western red bats are most prevalent in well-developed riparian zones that are AT LEAST 164 feet wide and support larger, mature trees such as Fremont cottonwood, western sycamore, and/or valley oak within the Central Valley and elsewhere along major rivers and tributaries. These bats have also been observed using other non-native trees in these areas such as eucalyptus and fruit/orchard trees in these riparian zones. In addition, loss and degradation of these zones is the primary threat to western red bats.
- Tree species, maturity, and configuration on the Ruby site closely matches the reported prime WRB roosting and foraging habitat. The Ruby site has the following similarities with prime

WRB habitat:
- Mature Fremont cottonwood, western sycamore, and coast live oak on the creek banks; and
- Mature coast live oak and non-native trees (e.g., fruit and eucalyptus) in the area proposed for development.
- A well-developed riparian tree zone that is up to roughly 210 feet wide.

- This project proposes to reduce the width of the San Lorenzo Creek oak riparian woodland and wildlife corridor to 105-120 feet, which is significantly less than the larger widths (i.e., 164 feet OR LARGER) that western red bats are known to differentially select as their prime roosting and foraging habitat.

CEQA Analysis, III. CEQA Checklist, C. Biological Resources, 4. Project Analysis Significance Criterion C.b, Riparian or Other Sensitive Natural Communities

- Comment III.C.4 ~ C.b.1 – Zoning, Density, and Biological Resources

The Riparian or Other Sensitive Natural Communities section on pages 48-49 states: "As appropriate for a project located in a high priority area of the biological resources overlay zone, the project would comply with Action 7.1-1 of the General Plan, which states that "on lands with biological resources, new development is not necessarily entitled to achieve the maximum density allowed by the underlying zoning. Development intensity may be required to be reduced up to 50 percent of the intensity allowed by the underlying zoning…" Only 2.95 acres of the 6.3-acre site would be developed and the building is proposed on the portion of the site farthest from San Lorenzo Creek, as close to the public right-of-way as allowed by the County development standards and setback requirements."

- Comment III.C.4 ~ C.b.1.1 – Use only Parcel A to Show Density Compliance
When applying Action 7.1-1 of the General Plan, only the parcel on which the housing project would be built (future Parcel A which is 2.95 acres) can be considered. The other two noted parcels that makeup the 6.3-acre total cannot be considered because: a) The 2.987 acres of future Parcel C already have a pre-existing creek-setback and Caltrans-mitigation requirement to be a permanent conservation easement and therefore can never be developed, and b) The 0.341 acres of future Parcel B could only be included if a deed restriction is placed on Parcel B that prohibits future development. In addition, some existing parcels in future Parcel C are zoned as Open-Space Natural.

- Comment III.C.4 ~ C.b.1.2 – Reduce Housing Density Due to Biological Resources
The County needs to prohibit development on sections of future Parcel A that are covered by "Oak Riparian Woodland" which also forms the "Wildlife Corridor" (i.e., about half of Parcel A) as defined in the General Plan, and then reduce the allowable number of units and associated parking accordingly (from 72 units to ~36 units, and from 109 parking spots to ~55 spots). Development prohibition would apply to about half of future Parcel A based on:
  - Figures 7-1 and 7-2 of the General Plan that designate about half of Parcel A as "High Priority Biological Resources" and "Sensitive Habitat" and "Oak Riparian Woodland/Wildlife Corridor" (see Attachment B).
  - Arial photographs of the site that also show about half of Parcel A is covered by trees which form the "Oak Riparian Woodland and Wildlife Corridor" identified in the General

Plan (see Attachment B); and
- The tree-specific survey conducted by local citizens (see Attachment E)
- Habitat requirements of wildlife species (e.g., western red bats that require wide riparian areas and mature woodlands for roosting and foraging).

Then the last sentence of the above paragraph should be deleted and changed to read: "The project's building and parking areas were placed in areas outside the oak riparian woodland."

- Comment III.C.4 ~ C.b.2 – Woodland Habitat Distinctions

Woodland habit and wildlife corridor distinctions used in the CEQA Analysis document (Section III.C.b on pages 49-54) may be biased in favor of the long-desired housing development and are not consistent with: a) protecting the site's extensive native woodland and the ecological continuity of riparian and wildlife corridor; and b) the terms and principles used in the General Plan and EIR (that lead directly to required policies and actions). Comments listed below provide further explanation.

- Comment III.C.4 ~ C.b.2.1 – Don't Fit the CEQA Analysis to the Desired Housing Development: Eden Housing starting created plans for housing units and parking spaces at least 8 years ago, prior to this project's biological assessment and this CEQA Analysis. These pre-assessment plans showed development within the minimum-allowed, creek-setback area and across most of the site outside the minimum creek setback. In this current situation, development of the CEQA Analysis (by Urban Planning Partners) would have a stronger bias towards fitting the CEQA Analysis (e.g., the biological resources analysis) to the desired housing density and needed development areas. This bias can easily be compounded by the fact that Eden Housing selected the CEQA Analysis consultant and is paying the costs of the analysis. In addition, the CEQA Analysis consultant is responding to the Planning Department of the Alameda County Community Development Agency (CDA) when developing the CEQA Analysis. CDA also includes the Housing and Community Development Agency and the former Redevelopment Agency, which have been working with Eden Housing, Caltrans, and the Housing Authority since at least 2010 on Ruby-site presale agreements and defining how much housing can be built on the site. So, there are appearances of potential conflicts of interest or sources of bias that could affect the CEQA Analysis.

- Comment III.C.4 ~ C.b.2.2 – Use General Plan & EIR Habitat and Corridor Definitions
  The General Plan and EIR (Section 3.5) define vegetation types, wildlife corridors, and sensitive habitat areas as listed below. These definitions and principles need to be applied in the CEQA Analysis, especially to prevent destruction of the site's native and non-native trees that constitute the "oak riparian woodland" and "wildlife corridor" of this unique section of San Lorenzo Creek.
  - Physical Setting and native vegetation types: "The western and central portions of the General Plan Area are largely developed. Native habitats include primarily oak/riparian woodland occurring along creeks." Throughout the General Plan area, "…native vegetation types include oak riparian woodland and coastal scrub."
  - Wildlife Corridors: "Oak riparian woodland, coastal scrub, and grassland vegetation serve as the primary wildlife corridors. Non-native dominant habitats also may serve as

movement corridors when continuous with habitats supporting native vegetation; and

- Sensitive Habitat Areas: "All areas supporting native vegetation or providing suitable habitat for special-status species are considered sensitive habitat areas, including oak riparian woodland and naturalized native trees that provide potential nesting habitat for bird species. Sensitive habitat areas also include streams and wetlands…"

- Comment III.C.4 ~ C.b.2.3 - Habitat Distinctions Analysis Used to Match Housing Development
  Woodland habitat distinctions used in the CEQA document have the appearance of being crafted to: a) match the long-planned housing objectives and needed development area; b) only protect woodland habitat that cannot be developed because it is already fully protected by the Caltrans conservation easement and the minimum-ever-allowed creek setback; and c) not protect the mature and extensive native woodland and wildlife corridor that would be destroyed by the proposed development. The habitat terms, definitions, and distinctions used in the CEQA document to describe "Riparian or Other Sensitive Natural Communities" are summarized below and are not consistent with the terms and principles used in the General Plan and EIR. For example, policy principals in the EIR include protecting native woodland and wildlife areas that are necessary for a well-functioning corridor and comprehensive (rather than piecemeal) habitat preservation.

  - Comment III.C.4 ~ C.b.2.3.1 - Riparian Habitat and Corridor
    The CEQA document mostly defines and limits "riparian habitat" and "riparian corridor" using the criteria the California Department of Fish and Wildlife (CDFW) uses to define their jurisdiction. These criteria include the creek, creek bank, and tree canopy over the creek including adjacent upland trees that have continuous canopy with riparian trees. This definition: a) establishes where CDFW has jurisdiction and the area that has highest importance for the aquatic ecosystem; b) identifies an area nearly identical to the minimum-every-allow creek setback; and c) is not comparable to the broader ecological principles incorporated into the vegetation, corridor, and habitat definitions used in the General Plan and EIR. The CEQA document needs to use the broader General Plan and EIR definitions to identify and protect the woodlands that are within the proposed development area.

  - Comment III.C.4 ~ C.b.2.3.2 - Coast Live Oak Woodland
    The CEQA document assesses the areas with oak and other trees that are proposed for habitat destruction by the development. The assessment uses the Manual of California Vegetation criteria and concludes that the trees do not constitute a Coast Live Oak Woodland because the site does not have "…greater than 50% relative cover of coast live oak canopy cover…" This assessment and conclusion are flawed and lacking in the following ways:
    - The CEQA document did not report actual tree data or divide the proposed development area into sections to evaluate the composition and density of tree habitat. Local citizens did a tree-specific survey and summarized the site's tree data into three site sections. This data is presented in Attachment E.
    - The CEQA document did not evaluate the site's oak trees in comparison to the second criteria that defines a Coast Live Oak Woodland Alliance in the CNPS Manual of California Vegetation. The Manual states that less than 33 percent oak tree canopy cover is needed when California bay trees are also present. By this definition, the area

that is nearest Crescent Street, where parking lot and storm water management development is proposed, meets the characteristics of a Coast Live Oak Woodland Alliance because this area contains California bay trees and the highest density of coast live oak trees on the site. This area is about one third of the proposed development area.

- Comment III.C.4 ~ C.b.2.4 – Expand the Site's Habitat and Source of Disturbance Description
The Other Sensitive Natural Communities section of the CEQA document states (pp. 53-54) that: a) Grassland occupies the majority of the project site and does not support any sensitive habitat under CEQA, b) The grassland is highly disturbed by prior use and the understory of the trees has been colonized by non-native plants and does not provide suitable habitat for special status plants.

  This section needs to greatly expand this description and note that:
  - Trees in Development Area. About a third to half of the proposed development area that is outside of the minimum creek setback is covered by tree canopy. This habitat is described in the General Plan and overlay zone as sensitive habitat, oak riparian woodland, and wildlife corridor. The woodland and proposed impacts should be described as follows:
    - Tree Data. The project plans and field surveys indicate that there are about 97 trees within the proposed development area (See data presented in Attachment E). Of these 97 trees:
      - Ninety percent (87 trees or 90%) would be demolished by development
      - About half (45 trees or 46%) are native, and 37 of these trees are planned for removal. These trees are mostly coast live oak and some California bay and coast redwood.
      - About a third (31 trees or 32%) have diameters 2 feet or larger, 25 of these trees are planned for removal, and many would be considered heritage trees.
    - Tree Species. The proposed development area includes native and non-native trees. Native trees within the proposed development area include coast live oak (30), California bay (6), coast redwood (7), black walnut (4), and box elder (1). Non-native fruit and nut trees include cherry (14), lemon (1), and persian walnut (1). Other non-native trees include privet (9), Brazilian pepper (6), ash (5), elm (4), eucalyptus (2), blackwood acacia (2), chestnut (2), maple (1), deodar cedar (1), and yucca (1).
  - Caltrans Clearing of Vegetation. The 2016 Caltrans mitigation project: a) removed extensive undergrowth (described as invasives) and debris in the creek setback area and in some large areas outside the setback; b) did not replant any native trees in these areas and native bushes only in some areas; c) did not plant plants along the top of bank in order to maintain visibility into the riparian corridor and discourage encampments; and d) established drive-access-ways in some areas along the top-of-bank for equipment and vehicles needed for mitigation, planting, and maintenance. See excerpts of the Caltrans plans for vegetation removal and planting in Attachment G. So, some of the lack of undergrowth and trees in some areas within and outside the creek setback is partially due to the 2016 mitigation project. See Attachment B for aerial views of the site that show the presence of much undergrowth especially under and between trees closer to the creek before the Caltrans mitigation project.

- Comment III.C.4 ~ C.b.2.5 – Substantial Creek Setback Development (e.g., Grading)

  Existing Text. "These trail locations overlap with the riparian canopy by only a couple of feet at most and the trail is not likely to impact these riparian trees since their canopy slightly extends over the trail. Slight grading of the ground surface might occur during the construction of the trail and parking lot, but since the grading would be shallow and only a few inches deep, the root zones below the tree canopies are not likely to be significantly impacted. As noted in *Chapter I, Project Description*, the County shall require the project sponsor to minimize grading to the greatest extent possible—especially within the creek setback or where the trail overlaps with the canopy of riparian trees—through measures such as installation of retaining walls, but at a distance to not impact rooting systems."

  Comment. It is not correct and misleading to say the following: "…Slight grading of the ground surface might occur during the construction of the trail and parking lot, but since the grading would be shallow and only a few inches deep…" In fact, project grading plans show no retaining walls and substantial grading of soils (up to 4 feet deep) over ~60% of the minimum 20-foot setback area and associated conservation easement area. In addition, trail plans show a 3.5-foot-high fence along the trail that is 2.5 feet inside the minimum creek setback line. Such development (i.e., grading, fence, and/or retaining wall) is generally not permitted under the Watercourse Protection Ordinance, is a significant impact, and should not be allowed. See comment II.C.1 for additional details.

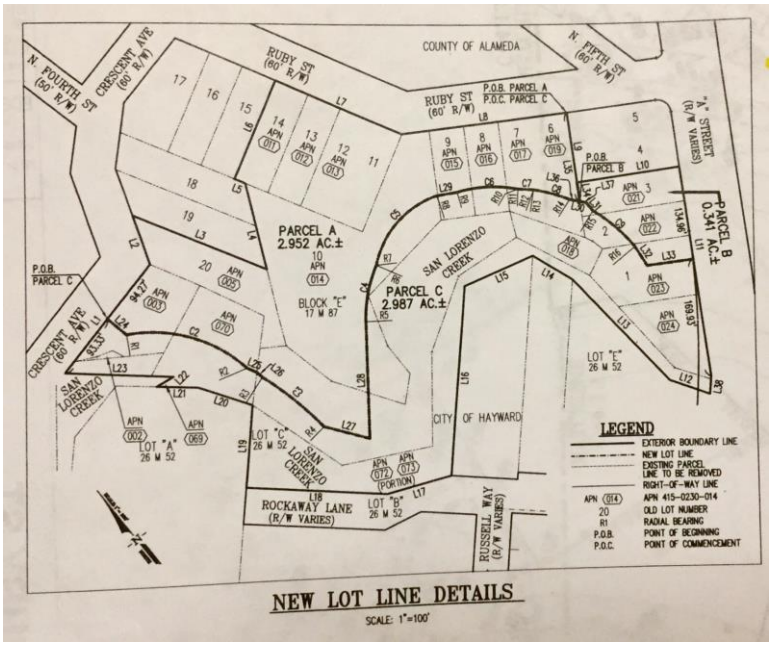
CEQA Analysis, III. CEQA Checklist, C. Biological Resources, 4. Project Analysis Significance Criterion C.c, Federally Protected Wetlands

- Comment III.C.4 ~ C.c.1 – Include Requirement for Watercourse Permit for the Stormwater Outfall
  Installation of a new naturalized storm water outfall and associated riprap in the bank of San Lorenzo Creek needs to also include the requirement to obtain a Watercourse Permit approved by the Alameda County Director of Public Works. See Attachment D for excerpts of the Alameda County Watercourse Protection Ordinance and this requirement.

ATTACHMENT A

Project Plan Excerpts

Excerpt of the landscape site plan L1.1



Excerpt of new lot line details showing Parcel A, Parcel B, and Parcel C

ATTACHMENT B

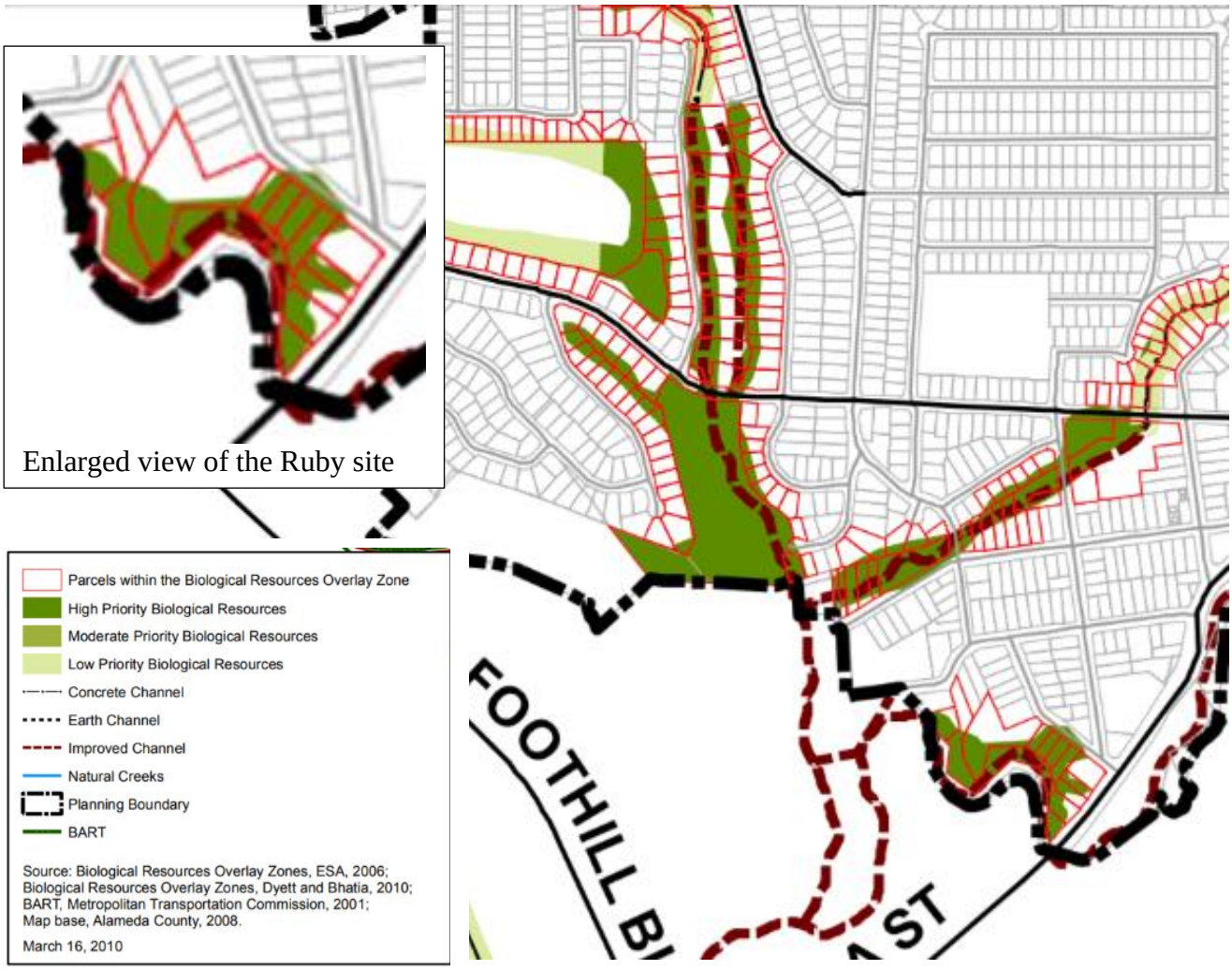
Castro Valley General Plan Biological Resourses and Habitat Overlays and Satellite Views of the Site and Vegetation from 2002 to 2019

The Castro Valley General Plan designates much of the Ruby Street proposed project area as

- "High Priority Biological Resources;" and
- "Sensitive Habitat" and "Oak Riparian Woodland/Wildlife Corridor."

These biological resources and the corresponding Oak Riparian Woodland are visible in the satellite views of the site and correlate with the areas shown in the Castro Valley General Plan.

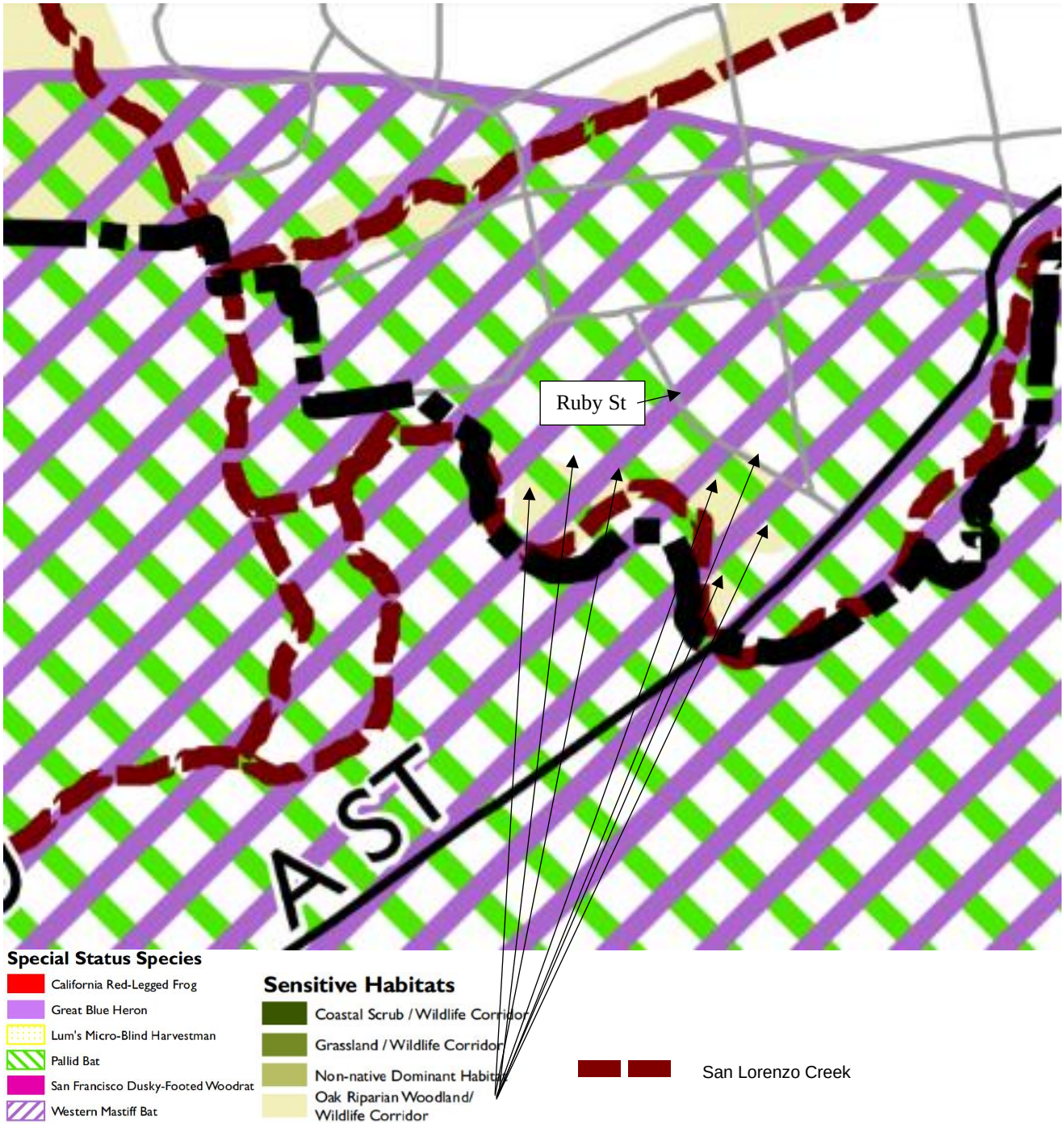
High Priority Biological Resource Areas



The Castro Valley General Plan designates much of the Ruby Street proposed project area as "High Priority Biological Resources." *Reference: Castro Valley General Plan, Chapter 7, Figure 7-2*

ATTACHMENT B (Continued)

Sensitive Habitat and Oak Riparian Woodland/Wildlife Corridor Areas

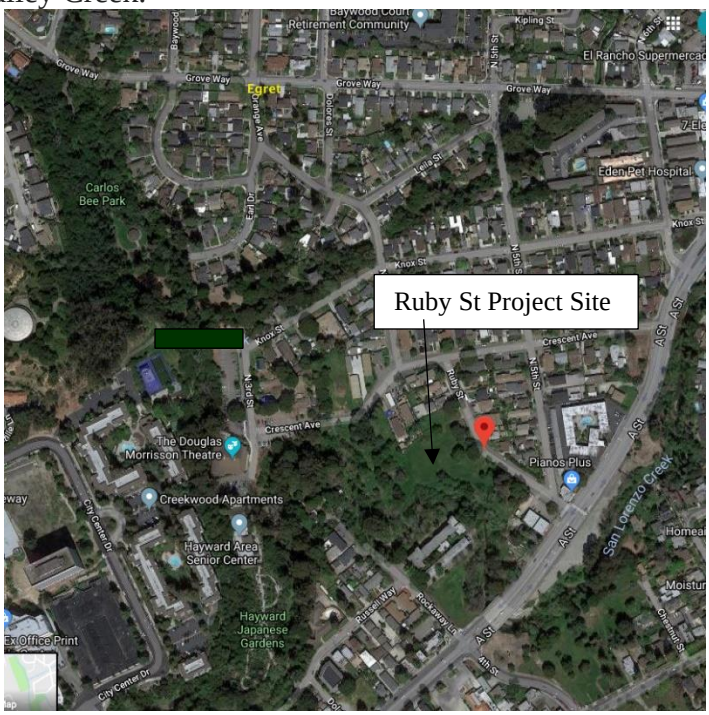


The Castro Valley General Plan designates much of the Ruby Street proposed project area as "Sensitive Habitat" and "Oak Riparian Woodland/Wildlife Corridor."
Reference: Castro Valley General Plan, Chapter 7, Figure 7-1

ATTACHMENT B (Continued)

Wildlife Corridors

Continuous aquatic and terrestrial natural wildlife corridors follow the natural creeks throughout this area and cross this proposed project site. The creeks include San Lorenzo Creek, Chabot Creek, and Castro Valley Creek.



ATTACHMENT B (Continued)

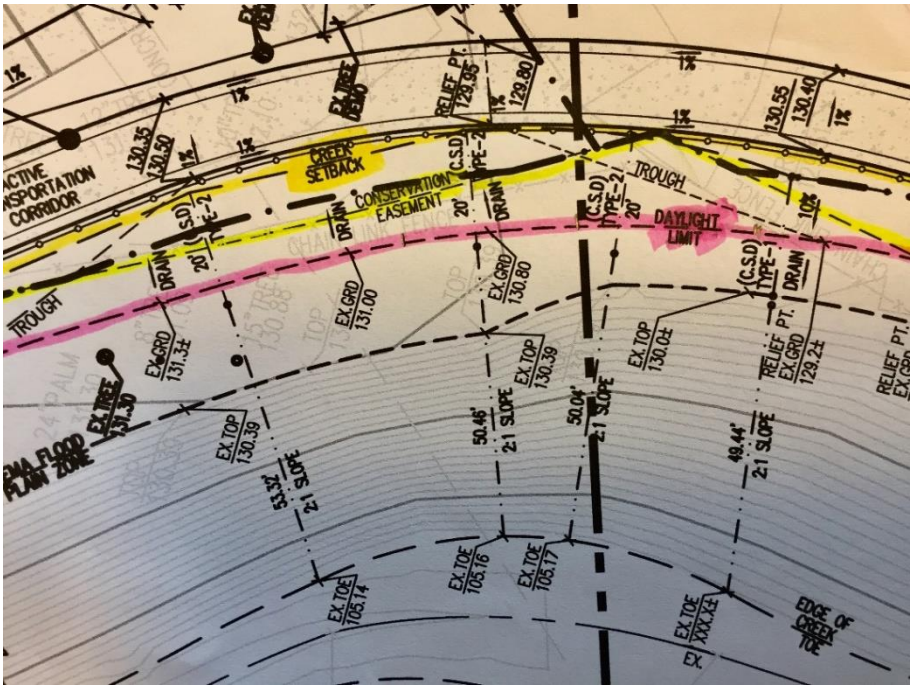
Ruby St Satellite View 2019

Biological resources and the corresponding Oak Riparian Woodland are visible in the satellite views of the site and correlate with the bio and habitat areas shown in the CV General Plan overlays.

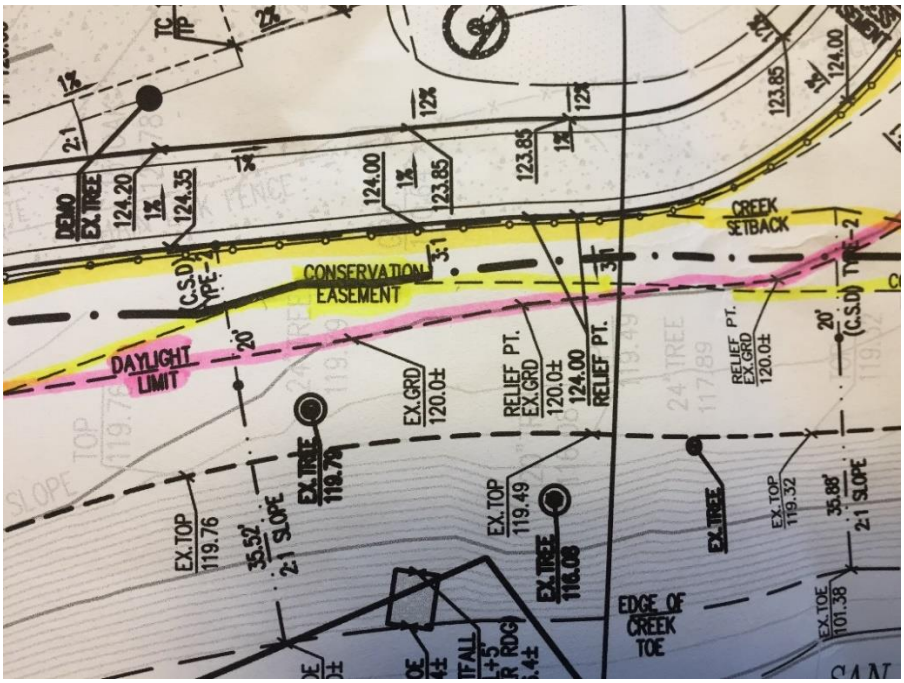
ATTACHMENT B (Continued)

Biological resources and the corresponding Oak Riparian Woodland are visible in the satellite views of the site and correlate with the bio and habitat areas shown in the CV General Plan overlays.

ATTACHMENT C
Development Covering and In the Creek Setback and Conservation Easement
(i.e., Grading to the Daylight Limit, Trail Fences, and/or Retaining Walls)



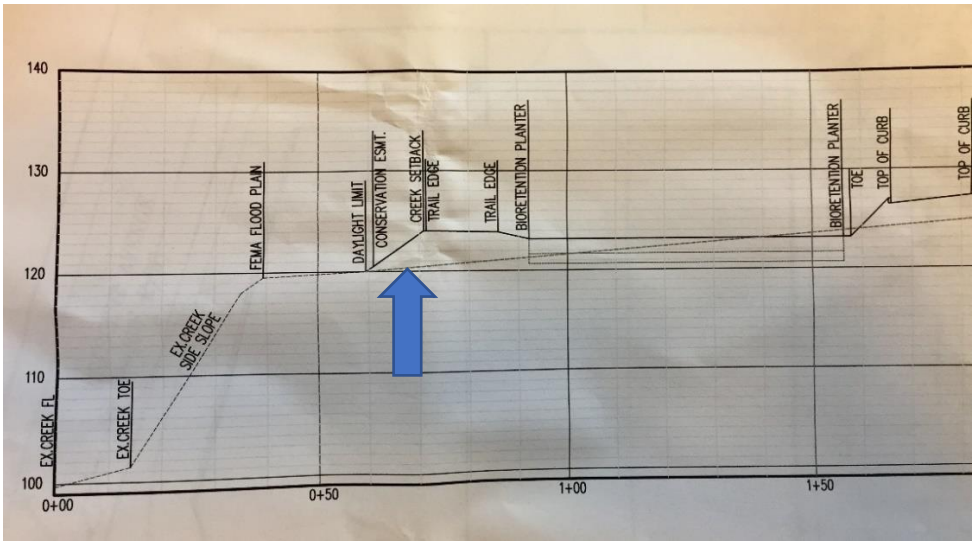
Grading Plan C4.1.2 at Matchline C4.1.1
Plan excerpt shows substantial, unpermitted grading into the setback and conservation easement



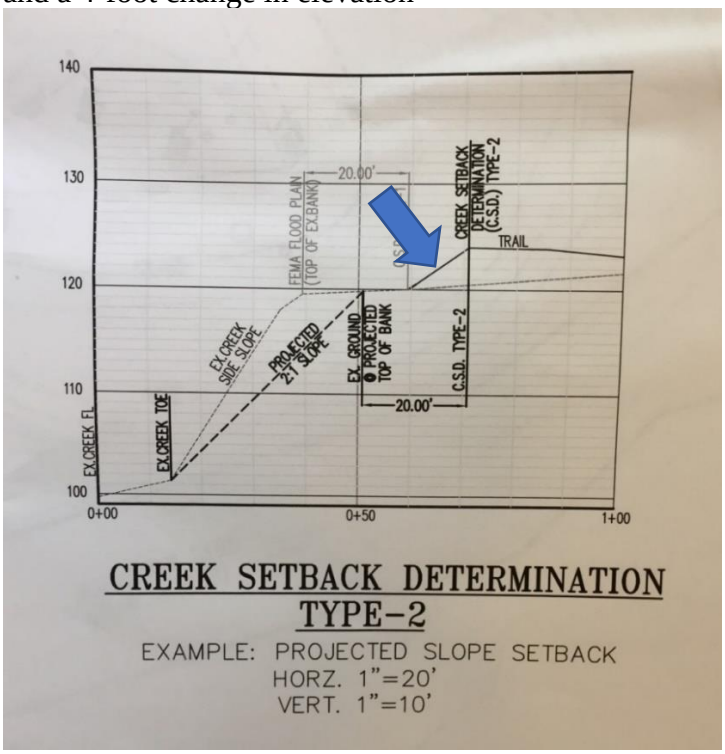
Grading Plan C4.1.1 at Section A-A
Plan excerpt shows substantial, unpermitted grading into the setback and conservation easement

ATTACHMENT C
(Continued)
Development Covering and In the Creek Setback and Conservation Easement

(i.e., Grading to the Daylight Limit, Trail Fences, and/or Retaining Walls)



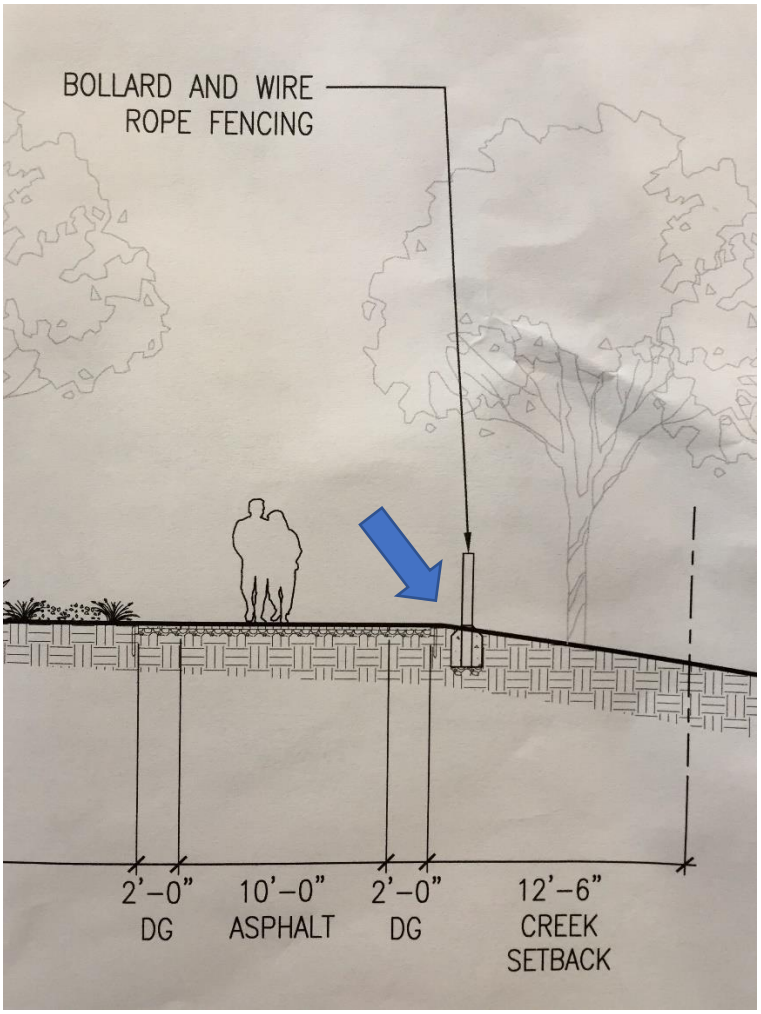
Grading Plan C4.1.3, Section A-A
Plan excerpt shows substantial, unpermitted grading into the setback and conservation easement and a 4-foot change in elevation



Grading Plan C4.1.3, Creek Setback Determination Type-2 (minimum setback of 2:1 +20 feet)
Plan excerpt shows substantial, unpermitted grading into the setback and conservation easement and a 4-foot change in elevation

ATTACHMENT C
(Continued)
Development Covering and In the Creek Setback and Conservation Easement

(i.e., Grading to the Daylight Limit, Trail Fences, and/or Retaining Walls)



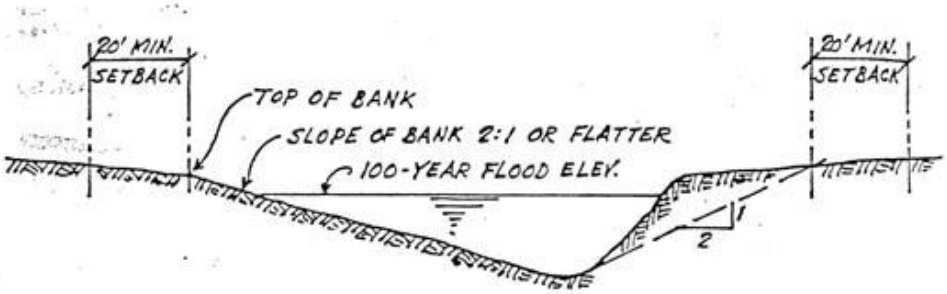
Landscape Plan L2.1 Option B - Trail Fence Cross Section
Note that the trail fence is 3.5-feet tall and is shown as
inside the creek setback, which is unpermitted development

ATTACHMENT D
Excerpts of the Watercourse Protection Ordinance
Setback and Development Requirements

Alameda County General Ordinances, Chapter 13.12

Section 13.12.040 - Jurisdiction
This chapter shall apply to the unincorporated area of Alameda County.

Section 13.12.320: Setback Criteria (Excerpts only)
Section A - Typical where 100-year storm flow is contained within banks of existing watercourse.



Section 13.12.310: Requirements (Excerpts only)

- The purpose of setbacks is to safeguard watercourses by preventing activities that would contribute significantly to flooding, erosion or sedimentation, would inhibit access for watercourse maintenance, or would destroy riparian areas or inhibit their restoration. Accordingly, no development shall be permitted within setbacks, except as otherwise provided herein.
- In certain situations, where, in the opinion of the director of public works, it would be in the public interest to permit limited development within a setback, the director of public works may grant a permit for said development provided that the above-specified purpose would be satisfied.
- The director of public works shall make the determination as to setback limits and any permitted development within a setback.

In addition, WPO Section 13.12.030 defines the following terms:

- "Development" means any act of filling, depositing, excavating or removing any natural material, or constructing, reconstructing or enlarging any structure, which requires a permit issued by the director of public works.
- "Structure" means any works or constructions of any kind, including those of earth or rock, permanent or temporary, and including fences, poles, buildings, pavings, inlets, levees, tide gates, spillways, drop structures and similar facilities.
- "Permit" means a permit issued by the director of public works pursuant to the provisions of this chapter. [Click here to see copy of ACFCWCD Water Course Permit]

See all definitions and requirements of the WPO (~9 pages) online at:

- The body of the ordinance, but not the setback criteria is at: https://library.municode.com/ca/alameda_county/codes/code_of_ordinances?nodeId=TIT13PUSE_CH13.12WAPR
- Set Back Criteria diagrams are at: http://friendsofsanlorenzocreek.org/ord13-12-320.htm

ATTACHMENT E

Eden Housing Proposed Ruby Street Project Oak-Riparian Woodland Damage

Friends of San Lorenzo Creek (August 19, 2019)

Extensive Biological Resources and Sensitive Habitat, described as Oak Riparian Woodland and Wildlife Corridor in the Castro Valley General Plan, will be removed by the proposed housing project.

Table 1 – Trees to Demolished and Remain, Native & Non-Native

Trees (> 4-inch diameter) to be demolished and remain based on our actual field survey and the June 2019 project plans.

Trees	June 2019 Plan	Crescent Street, Parking Lot, & Storm Water Mgt Areas	Ruby Street & Parking Lot Areas	Housing Building Area	Total
Native [1]	Demolish	30	2	5	37
	Remain	4	3	1	8
Non-Native [2]	Demolish	21	24	5	50
	Remain	1	0	1	2
Total	Demolish	51	26	10	87
	Remain	5	3	2	10

[1] Native Trees include Coast Live Oak, California Bay (Laurel), and Coast Redwood.
[2] Non-native trees include mostly Cherry, Black Walnut, and Ash.

Table 2 – Trees to Demolished and Remain, Based on Trunk Diameter

Tree Diameter (inches)	June 2019 Plan of Action	Crescent Street, Parking Lot, & Storm Water Mgt Areas	Ruby Street & Parking Lot Areas	Housing Building Area	Total
4 to <12"	Demolish	14	14		28
	Remain			1	1
≥12 to <24"	Demolish	23	7	4	34
	Remain	1	2		3
≥24 to <32"	Demolish	7	4	2	13
	Remain	1			1
≥32"	Demolish	7	1	4	12
	Remain	3	1	1	5
Total	Demolish	51	26	10	87
	Remain	5	3	2	10

[1] Diameter at Breast Height (4.5 feet)

Some conclusions:

- Oak Riparian Woodland and Wildlife Corridor would be removed within the development area of the project.
- There are about 97 trees within the proposed development area. Of these 97 trees:
  - Ninety percent (87 trees or 90%) would be demolished by development
  - About half (45 trees or 46%) are native, and 37 of these trees are planned for removal. These trees are mostly Coast Live Oak and some California Bay and Coast Redwood.
  - About a third (31 trees or 32%) have diameters 2 feet or larger, 25 of these trees are planned for removal, and many would be considered heritage trees.
- Areas proposed for parking lots and storm water management have the highest concentration of trees.
- The Crescent Street area (parking lot and stormwater mgt) has 2 to 5 times more trees than the other areas, and the greatest concentration of native and largest trees (≥24 inches). This area also steps down in elevation towards San Lorenzo Creek, possibly due past creek cutting-erosion.
- Past (130 years) and current human activity in the proposed development areas, including recent Caltrans mitigation project work, have removed undergrowth and prevented growth of native trees & ground cover.

Ruby Site Tree Survey Data
August 19, 2018

General Area	Species	Trunk Diameter at Breast Height (inches)	Trunk Circumference (feet-inches)	Canopy Diameter (feet-inches)	
Crescent Street, Parking Lot, & Storm Water Mgt Areas					
	Cherry	72"	18'10"		
	California redwood	42"	11'	22'	
	California redwood	40"	10'6"	22'	
	Cedar	29"	7'6"	37'	
	Cedar	19"	5'	21'	
	California redwood	41"	10'9"	39'	
	Cherry	12"	3'3"	11'6"	
	California redwood	22"	5'8"	24'	
	Coast live oak	17"	4'4"	17'	
	Coast live oak	27"	7'8"	47'	
	Coast live oak	17"	4'4"	31'6"	
	Coast live oak	8"	2'1"	22'6"	
	California bay	8"	2'1"	17'	
	California redwood	25"	6'8"	21'	
	California bay	19"	5'	15'	
	California redwood	17"	4'6"	12'	
	Coast live oak	20"	5'3"	36'	
	Cherry	6"	1'6"	14'	
	California bay	4"	1'	15'	
	Cherry	15"	4'	34'	
	Cherry	11"	3'	19'	
	Cherry	17"	4'6"	12'	
	Cherry	12"	3'	14'	
	Cherry	9"	2'6"	10'	
	Lemon	17"	4'5"	13'	
	Cherry	8"	2'1"	16'	
	Coast live oak	10"	2'7"	11'	
	Coast live oak	7"	1'10"	8'	
	Cherry	5"	1'4"	12'	
	California redwood	36"	9'1"	18'	
	Box elder	13"	3'5"	18'	
	Ash	24"	6'3"	25'	
	Black walnut	33"	8'8"	18'	
	Privet	16"	4'2"	17'	
	Cherry	6"	1'6"	10'	
	Ash	8"	2'1"	11'	
	Ash	13"	3'5"	20'	
	Ash	12"	3'	14'	
	Coast live oak	9"	2'6"	11'	
	Coast live oak	4"	1'	8'	
	Coast live oak	33"	8'8"	21'	
	Ash	12"	3'	20'	

	Coast live oak	30"	7'10"	23'	
	Coast live oak	24"	6'3"	22'	
	Coast live oak	14"	3'8"	28'	
	Coast live oak	36"	9'1"	26'	
	California bay	55"	14'5"	24'	
	Coast live oak	20"	5'3"	15'	
	Coast live oak	24"	6'3"	22'	
	Coast live oak	16"	4'2"	17'	
	Coast live oak	24"	6'3"	21'	
	Coast live oak	21"	5'6"	19'	
	Coast live oak	19"	5'	25'	
	Black walnut	14"	3'8"	18'	
	Black walnut	12"	3'	9'	
	California bay	8"	2'1"	7'	
Ruby Street & Parking Lot Areas					
	Coast live oak	24" *	6'3"		
	Coast live oak	12"	3'		
	Cherry	8"	2'1"		
	Privet	16"	4'2"		
	Privet	21"	5'6"		
	Yucca	12"	3'		
	Privet	6"	1'6"		
	Elm	15"	3'11"		
	Privet	15"	3'11"		
	Elm	9"	2'6"		
	Coast live oak	17"	4'6"		
	Privet	4"	1'		
	Elm	11"	2'11"		
	Pepper	6"	1'6"		
	Elm	21"	5'6"		
	Privet	21"	5'6"		
	Privet	10"	2'7"		
	Pepper	7"	1'10"		
	Eucalyptus	31"	8'		
	Eucalyptus	12'6"	12'6"		
	Coast live oak	71"	9'9"		
	Acacia	9"	2'6"		
	Acacia	34"	9'		
	Coast live oak	23"	6'		
	Walnut	27"	7'1"		
	Pepper	11"	2'11"		
	Pepper	7"	1'10"		
	Pepper	4"	1'		
	Maple	10"	2'7"		
	California bay	7"	1'10"		
	Pepper	10"	2'7"		
Housing Building Area					
	Persian walnut	28"	7'4"		
	Coast live oak	20"	5'3"		
	Cherry	23"	6'		
	Privet	7"	1'10"		

	Coast live oak	27"	7'1"		
	Chestnut	12"	3'		
	Coast live oak	36"	9'1"		
	Coast live oak	13"	3'5"		
	Cherry	53"	13'2"		
	Chestnut	60"	15'8"		
	Coast live oak	58"	15'2"		
	Coast live oak	33"	8'8"		

ATTACHMENT E
(Continued)

Oak Riparian Woodland: Mature and heritage coast live oak and California bay trees






ATTACHMENT E
(Continued)

Oak Riparian Woodland: Mature coast live oak, California bay, coast redwood, and other trees





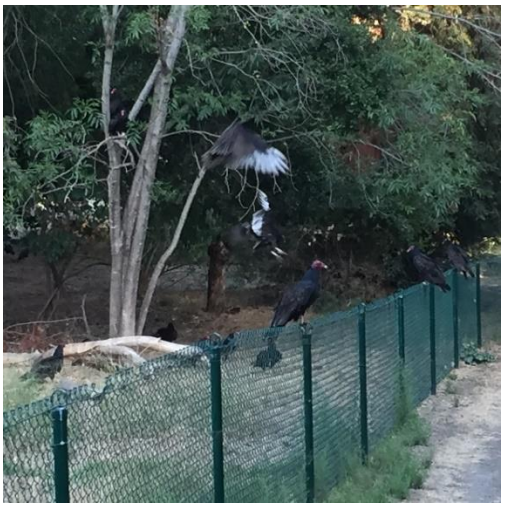


ATTACHMENT E
(Continued)

Wildlife Corridor: Daily black-tailed deer, turkeys, and turkey vultures





ATTACHMENT E
(Continued)

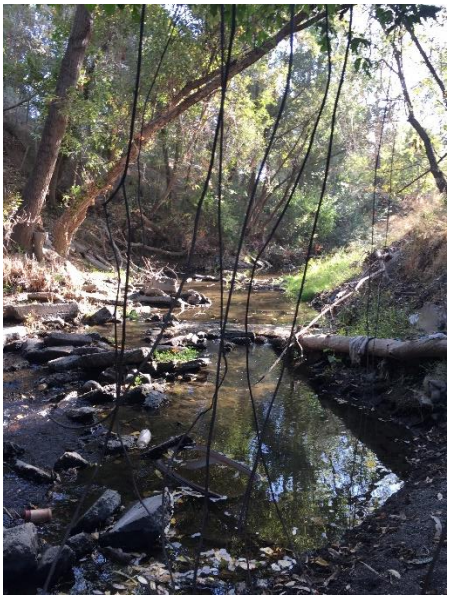
San Lorenzo Creek and its banks

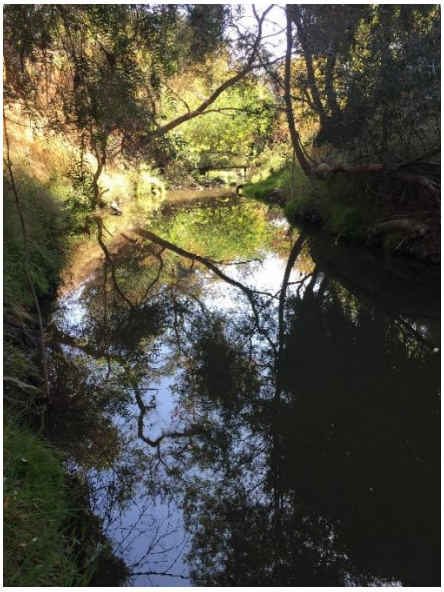
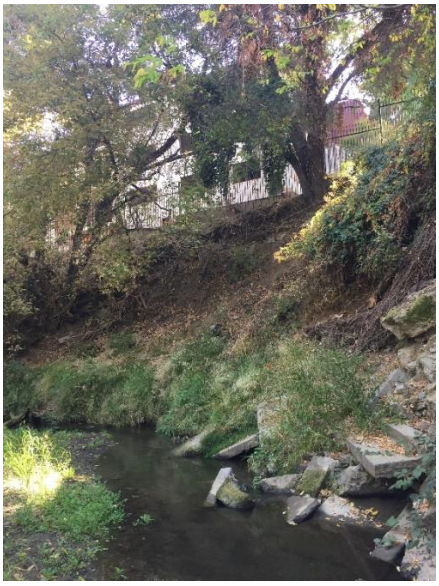






San Lorenzo Creek and its banks

ATTACHMENT F
Western Red Bat Habitat Research Excerpts

Pierson, E.D., W.E. Rainey and C. Corben. 2006. Distribution and status of Western red bats (Lasiurus blossevillii) in California. Calif. Dept. Fish and Game, Habitat Conservation Planning Branch, Species Conservation and Recovery Program Report 2006-04, Sacramento, CA 45 pp.

"The primary threat to western red bat is loss and degradation of well-developed riparian zones that support larger, mature trees such as Fremont's cottonwood, western sycamore, and valley oak within the Central Valley and elsewhere along major rivers and tributaries."

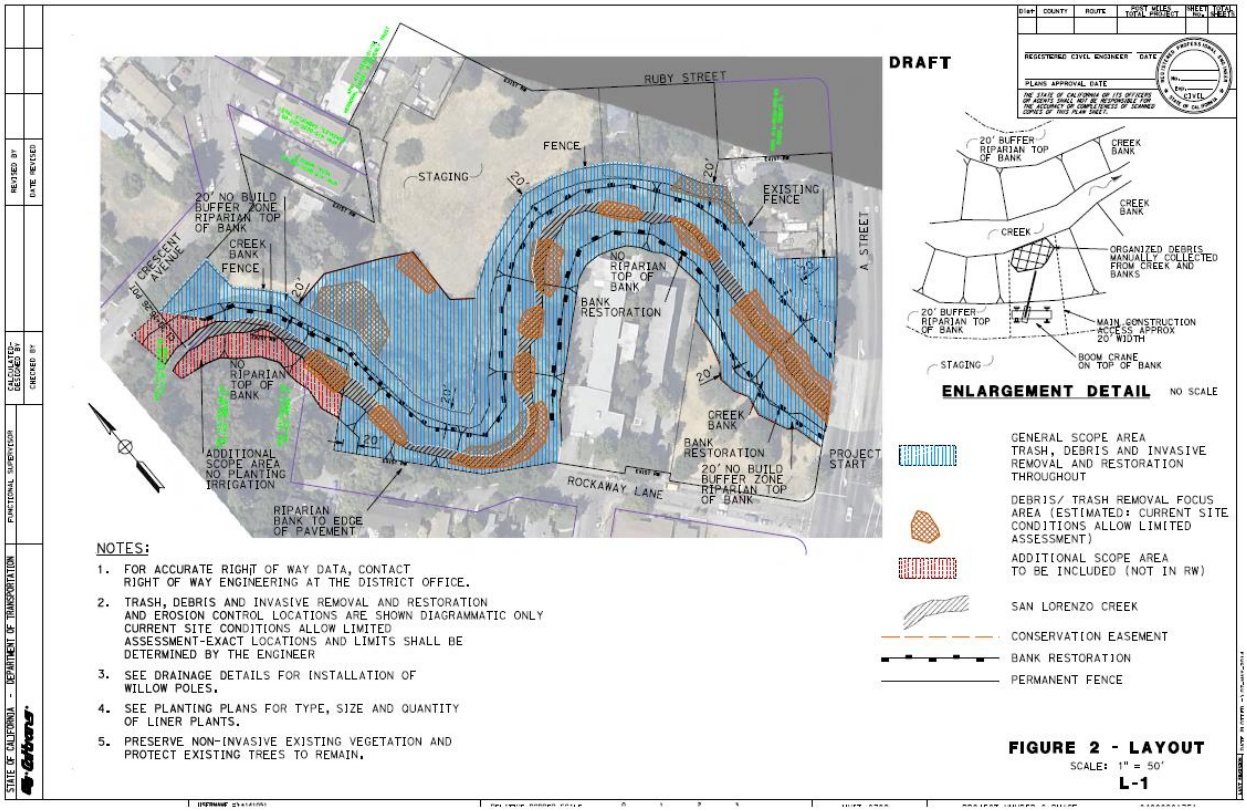
The western red bat, as a tree bat, is closely associated with well-developed riparian habitats that provide suitable roosting sites. Pierson et al. (2006) conducted acoustic and selected mist netting surveys at potential roosting sites in the Central Valley. Most of the sample locations were along the Sacramento and San Joaquin rivers, as well as tributaries and some other selected sites with suitable habitat. At each site they assigned the riparian habitat to one of three categories: (A) Fremont cottonwood (*Populus fremontii)/*western sycamore (*Platanus racemosa*) and/or valley oak (Quercus lobata) in zones at least 50 meters (164 feet) wide; (B) mature trees but only two or three trees wide; and (C) one tree and secondary growth/young trees in sparsely vegetated riparian strips. They also had a fourth non-riparian category: (D) grass/shrubs more than 100 meters (328 feet) to nearest trees. Western red bats were detected wherever there was suitable riparian habitat, but most of the detections were in the "A" category. Pierson et al. (2006) also observed foraging along gravel bars within rivers, but only where the gravel bars were at least 50 meters (164 feet) wide and several hundred meters long. Notably, western red bat densities peaked in July and August and then declined in the fall, presumably when bats were moving to winter sites.

Although Pierson et al. (2006) determined that western red bats differentially select wide, well-developed riparian habitats with mature trees (i.e., A-category habitats) over more narrow zones and young trees for breeding roosts (i.e., B- and C-category habitats), the species frequently has been observed using non-native trees for roosting. Western red bats have been observed in orchard trees, including fig (Ficus carica), apricot (Prunus armeniaca), peach (Prunus persica), pear (Pyrus communis), almond (Prunus amygdalus), walnut (Juglans regia), and orange trees (Citrus sinensis) (Benson 1945, as cited in Pierson et al. 2006; Constantine 1959; Grinnell 1918, as cited in Pierson et al. 2006; Pierson et al. 2006). They have also been observed to use other non-native trees, including African hemp (Sparmannia Africana), eucalyptus (Eucalyptus spp.), Chinaberry (Melia azedarach), mulberry (Morus rubra), and tamarisk (Tamarix spp.)(Constantine 1959; Dalquest, as cited in Pierson et al. 2006; Grinnell 1918, as cited in Pierson et al. 2006; Orr 1950; Pierson et al. 2006). The use of orchards and potential exposure to pesticides is discussed in Threats and Environmental Stressors.

There is little information about roost site characteristics favored by the western red bat (e.g., microclimates, cover density, tree aspect) because most of the ecological studies have been carried out in the east within the range of the eastern red bat. Pierson et al. (2006) hypothesize that western red bats roost in the canopy of the largest trees, based on data for eastern red bats, but note that western red bat habitat associations are very different from the more common eastern red bat.

ATTACHMENT G
Excerpts of Caltrans' Mitigation and Monitoring Plan

Hayward Riparian Mitigation
State Route 84 Pigeon Pass Realignment Project, Caltrans District 4
February 2016



3.2 Proposed Mitigation / Enhancement Plans

Invasive Species Control / Native Plantings

The proposed Project will provide enhancement and restoration to San Lorenzo Creek and associated riparian woodland within Project area. Enhancement of the ecological function and value of the creek's riparian corridor will be accomplished through the control and removal of invasive vegetation, bank restoration, planting of native plant species, and trash/debris removal. Figure 2 identifies the predominant locations for invasive species treatment within the Project area. Invasive species control will primarily focus on Boston ivy. Ivy treatment will be implemented based upon the severity of the infestation and will generally follow the following approaches:

- Ivy with multiple stems growing at the base of existing trees will be cut and removed up to six feet from the ground level. Significant native trees that provide slope stabilization and habitat will have selective removal of clinging ivy stems to remove weight and to allow more light into the riparian understory. The remaining ivy stumps will be treated with injectable herbicide. Any ivy remaining on trunks will be left to die, as removal may cause harm to the cambium layer of desirable riparian trees.
- The top growth of existing ivy on the slopes and creek banks will be cleared and the remaining ivy root and stem mass will be treated with herbicide. This treatment will only be utilized on ivy located above the Ordinary High Water Mark (OHWM) of San Lorenzo Creek.

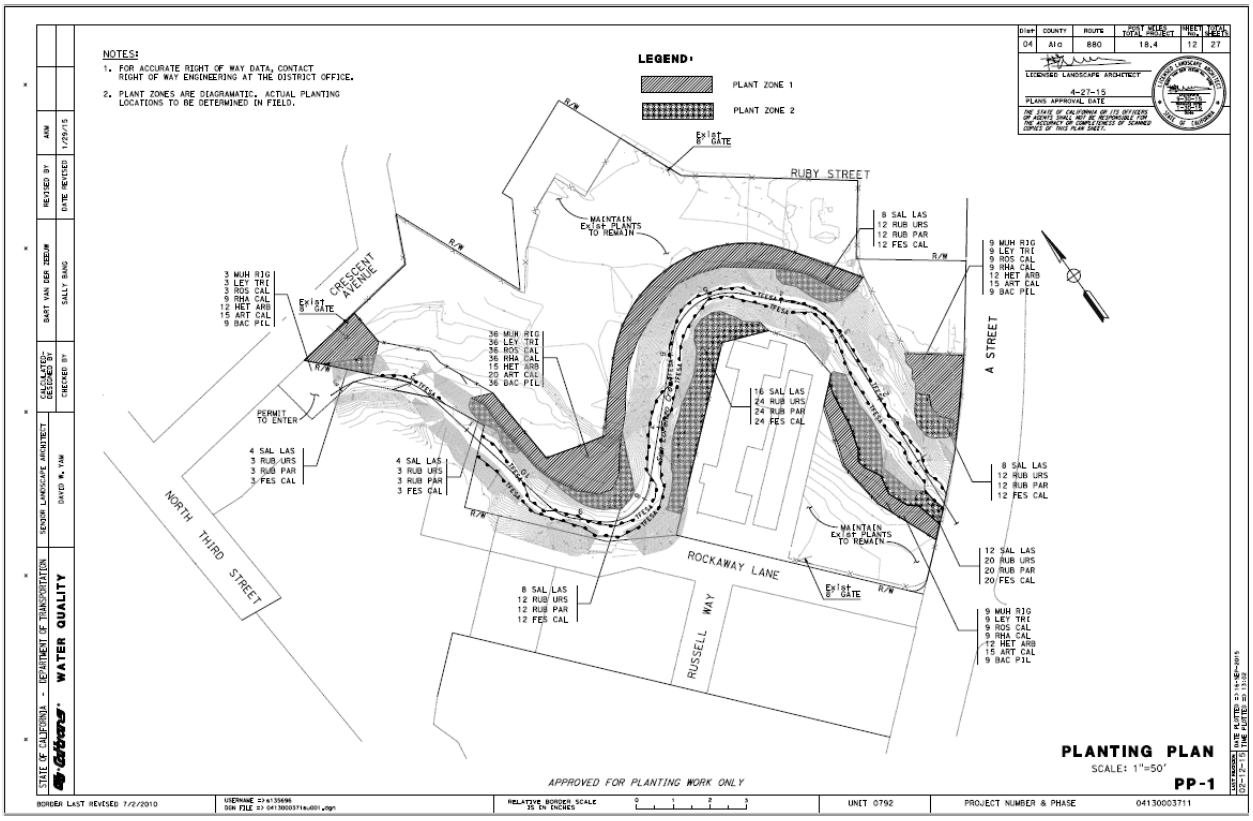
Invasive blackberry species, pampas grass, and giant reed also can be found along and above the creek's banks throughout the Project area. These species will be mowed and may be subsequently treated with herbicides. When treating all species, wherever possible, injectable herbicides will be used to reduce the spread of herbicide to non-targeted areas. Any removal of below-ground roots will be dependent on their location; roots will not be removed where the potential for erosion into the creek is high. All debris from invasive species will be removed and disposed of properly.

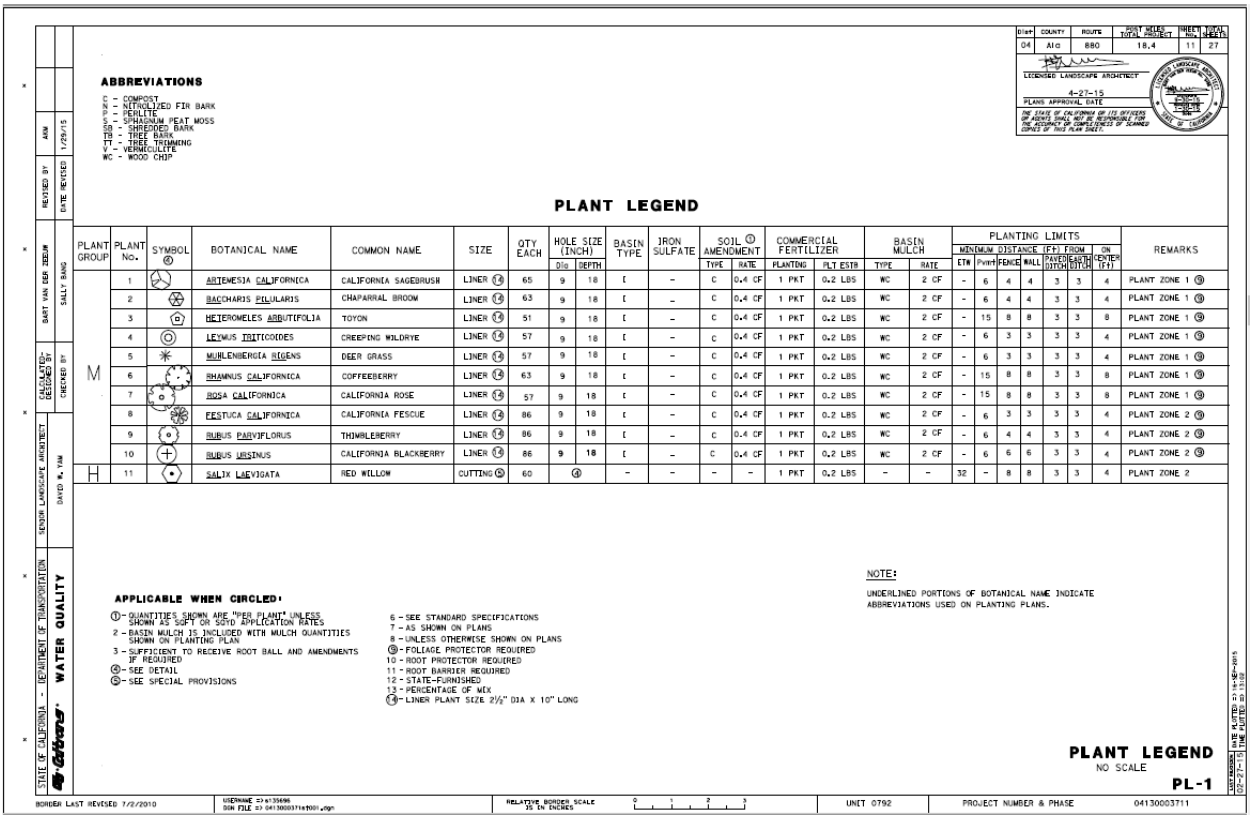
After invasive species are removed, restoration will occur within the riparian area along the banks and an additional 20-foot-wide no-build buffer zone at the top of bank. Disturbed ground and cleared areas will be planted using a combination of beardless wild rye (*Leymus triticoides*) plugs and other native grasses appropriate to the site. Low stature (no greater than two to three feet) native shrubs like thimbleberry (*Rubus parviflorus*) will also be planted. At the top of the bank, no further plantings will occur in order to maintain visibility into the riparian corridor and discourage encampments. The banks will be in-fill planted with an understory of native low growing shrubs. Erosion control along banks will consist of a three inch layer of coarse compost containing a mixture of native seed appropriate to the site. Application of compost will occur above the ordinary high water mark (OHWM). Truck watering or temporary irrigation directed from the top of bank down will be provided for a two-year period.

Native shrub and willow poles will be planted along the banks above OHWM for further erosion control function and low vegetation structure. Willow pole plantings will be established on the lower bank to reduce any small, localized areas of erosion. Planting will not occur within the creek's main channel, but may be planted within the lower portions of the slope, so some of these lower bank plantings may be periodically inundated during high water events.

Trash & Other Debris Removal
Working from upstream to downstream, all invasive vegetation, debris and trash will be removed, using skilled hand labor and light mechanical equipment. Twelve discrete areas have been identified for targeted debris and trash removal (see Figure 2). No excavation of the main creek channel will occur. Coarse woody debris that provides structure and cover for stream species, and concrete rip-rap in the main channel, which mimics natural boulders and promotes riffle and pool habitats, will not be removed. In addition, existing concrete that provides creek bed or bank stability will remain in place, although exposed rebar in this concrete may be cut.

The majority of trash and debris removal will occur using crews operating on foot. If required, a small excavator will work on level ground along the creek bank but will not operate in water. The excavator will be brought in by crane to suitable work locations adjacent to the creek, placed on construction timber mats, and be used to gather, assemble and organize debris and trash (see Figure 2 Enlargement Detail). Appropriate BMPs and avoidance and minimization measures will be followed when operating the small excavator. Organized trash and debris will collectively be hoisted up by winch, loaded on trucks, and disposed of properly. The main pieces of equipment anticipated include a 20-ton crane truck operating from the top of the bank, a small excavator (i.e., CAT 307) with steel track, and a Skid Steer (i.e., CAT 257 or 297) with grapple and winch.


NOTES:
1. FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.
2. PLANT ZONES ARE DIAGRAMATIC. ACTUAL PLANTING LOCATIONS TO BE DETERMINED IN FIELD.
LEGEND:
PLANT ZONE 1
PLANT ZONE 2
RUBY STREET
CRESCENT AVENUE
A STREET
NORTH THIRD STREET
ROCKAWAY LANE
RUSSELL WAY
MAINTAIN EXIST PLANTS TO REMAIN
PERMIT TO ENTER
Exist 8' GATE
3 MUH RIG
3 LEY TRI
3 ROS CAL
9 RHA CAL
12 HET ARB
15 ART CAL
9 BAC PIL
8 SAL LAS
12 RUB URS
12 RUB PAR
12 FES CAL
36 MUH RIG
36 LEY TRI
36 ROS CAL
36 RHA CAL
15 HET ARB
20 ART CAL
36 BAC PIL
16 SAL LAS
24 RUB URS
24 RUB PAR
24 FES CAL
4 SAL LAS
3 RUB URS
3 RUB PAR
3 FES CAL
12 SAL LAS
20 RUB URS
20 RUB PAR
20 FES CAL
9 MUH RIG
9 LEY TRI
9 ROS CAL
9 RHA CAL
12 HET ARB
15 ART CAL
9 BAC PIL
APPROVED FOR PLANTING WORK ONLY
PLANTING PLAN
SCALE: 1"=50'
PP-1


ABBREVIATIONS
C - COMPOST
F - NITROLIZED FIR BARK
P - PERLITE
S - SPHAGNUM PEAT MOSS
SB - SHREDDED BARK
TB - TREE BARK
TT - TREE TRIMMING
V - VERMICULITE
WC - WOOD CHIP
PLANT LEGEND
APPLICABLE WHEN CIRCLED:
1 - QUANTITIES SHOWN ARE "PER PLANT" UNLESS SHOWN AS SQFT OR SQYD APPLICATION RATES
2 - BASIN MULCH IS INCLUDED WITH MULCH QUANTITIES SHOWN ON PLANTING PLAN
3 - SUFFICIENT TO RECEIVE ROOT BALL AND AMENDMENTS IF REQUIRED
4 - SEE DETAIL
5 - SEE SPECIAL PROVISIONS
6 - SEE STANDARD SPECIFICATIONS
7 - AS SHOWN ON PLANS
8 - UNLESS OTHERWISE SHOWN ON PLANS
9 - FOLIAGE PROTECTOR REQUIRED
10 - ROOT PROTECTOR REQUIRED
11 - ROOT BARRIER REQUIRED
12 - STATE-FURNISHED
13 - PERCENTAGE OF MIX
14 - LINER PLANT SIZE 2½" DIA X 10" LONG
NOTE:
UNDERLINED PORTIONS OF BOTANICAL NAME INDICATE ABBREVIATIONS USED ON PLANTING PLANS.
PLANT LEGEND
NO SCALE
PL-1

ATTACHMENT H

Castro Valley General Plan Excerpts from Chapter 7 Biological Resources & Chapter 8 Trails

MARCH 2012
Castro Valley General Plan

https://www.acgov.org/cda/planning/generalplans/documents/CastroValleyGeneralPlan_2012_FINAL.pdf

Included in this document:

CHAPTER 7 BIOLOGICAL RESOURCES
7.1 WILDLIFE AND SENSITIVE HABITATS
- Wildlife Habitat and Corridors
- Special Status Species
- Biological Resources Overlay Zone

7.2 CREEKS AND STREAMS
7.3 VEGETATION

CHAPTER 8 COMMUNITY FACILITIES, PARKS, AND SCHOOLS
8.3 TRAILS

Chapter 7
Biological Resources

7.1 WILDLIFE AND SENSITIVE HABITATS

Castro Valley has significant biological resources, primarily concentrated in creek corridors, canyons, and hillside open space areas. Many of the eastern hillside areas have been set aside as permanent open space as part of Planned Unit Developments, but other areas do not have similar protection. Castro Valley is also immediately adjacent to regional parks and County Measure D open space conservation areas. Open space areas within Castro Valley function as wildlife corridors for species to cross between larger habitat areas. This element addresses the protection of Castro Valley's biological resources, including animal species, plant species, and wildlife habitat. Its main provision is the creation of a Biological Resources Overlay Zone, which will establish special development and review requirements on properties with significant biological resources.

Alameda County is updating its Resource Conservation, Open Space, and Agriculture (ROSA) elements. The Castro Valley General Plan and the County ROSA must be consistent with one another. The updated ROSA will replace existing documents, including the 1966 Scenic Route Element, the 1973 Open Space Element, and the 1977 Specific Plan for Areas of Environmental Significance. The ROSA elements will also address plans and policies for Measure D lands

Wildlife Habitat and Corridors

The western and central portions of the Castro Valley General Plan Area are largely developed. There are

small pockets of areas that provide wildlife habitat woven through these areas of residential lots, primarily along creeks. The primary native wildlife habitat is oak/ riparian woodland that occurs along creeks. Other undeveloped areas in western and central Castro Valley are dominated by non-native plant species. The eastern portions of the General Plan Area support primarily native habitats. Large, undeveloped portions of this area, typically on steep hillsides or in canyons, have been set aside as open space as part of planned unit developments. Ornamental landscaping with large trees, shrubs and other vegetation may provide potential nesting habitat for raptors known to nest in urbanized areas and other special-status bird species.

As shown in Figure 7-1, oak riparian woodland, coastal scrub, and grassland vegetation serve as the primary wildlife movement corridors for common and special-status wildlife species within the Castro Valley planning area. Crow Creek and San Lorenzo Creek are deeply incised creeks with well-developed riparian areas. These two creeks serve as a primary migration route through the eastern half of the planning area for both aquatic and terrestrial species.

For this element, non-native dominant habitat is defined as areas supporting ruderal vegetation (non-native plant species favoring disturbed sites), ornamental or naturalized non-native trees (such as Monterey pine and eucalyptus), and shrubs (such as cotoneaster). Non-native dominant habitats also may serve as movement corridors when continuous with habitats supporting native vegetation. Wildlife corridors allow animals to have an adequate range of habitat area to search for food, flee from predators, and find protected areas for newborns. In an urbanized area, continuous wildlife corridors, such as creeks, are particularly important.

All areas supporting native vegetation or providing suitable habitat for special-status species are considered sensitive habitat areas, including oak riparian woodland and naturalized native trees that provide potential nesting habitat for bird species. Sensitive habitat areas also include creeks and wetlands with the potential to be considered jurisdictional by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act or by the California Department of Wildlife habitat exists in small pockets woven throughout residential neighborhoods, primarily along creeks.

Fish and Game under California Fish and Game Code Sections 1600- 1607. In addition, Alameda County has a Tree Ordinance (Chapter 12.11 of the County General Code), which provides protection for any tree in a public right-of-way that is at least ten feet in height and has a trunk that is at least two inches in diameter.

Special Status Species

Table 7.1-1 lists the special-status species with associated vegetation type found within the Castro Valley planning area. The only special status animal species that have been observed in the Castro Valley planning area are yellow warbler and steelhead trout. Yellow warbler (Dendroica petechia) is a State species of special concern. Steelhead (Onchorhynchus mykiss) are a federally-listed Threatened Species, and a CDFG Species of Special Concern and have been observed in San Lorenzo Creek, Castro Valley Creek, and Crow Creek in the last ten years. The planning area also includes portions of the Critical Habitat for Alameda whipsnake (USFWS, 2006).

The planning area potentially supports the following special status animal species, based on the fact that the type of habitat that supports these species exists in Castro Valley: Steelhead, California tiger salamander, California red-legged frog, Alameda whipsnake, Western pond turtle, California horned lizard, Yellow warbler, Burrowing owl, Sharp-shinned hawk, white-tailed kite, Bats (Myotis spp., Pacific western big-eared bat, and greater western mastiff bat), Lum's micro-blind harvestman, great blue heron,

Cooper's hawk, and red-tailed hawk. In addition, the following special-status plant species have the potential to occur in the planning area: Santa Cruz tarplant, alkali milk vetch, big-scale balsamroot, fragrant fritillary, Diablo helianthella, and Robust monardella.

Table 7.1-1: Listed Species and Associated Vegetation

Federal or State Listed Species	Associated Vegetation Types
Santa Cruz tarplant	Coastal scrub
Steelhead	Creeks
California tiger salamander	Ponds and adjacent grasslands
California red-legged frog	Creeks, ponds and adjacent grasslands
Alameda whipsnake	Coastal scrub and adjacent grasslands and woodlands
Federal or State Species of Concern	**Associated Vegetation Types**
Western pond turtle	Creeks and ponds
California horned lizard	Coastal scrub, grassland, riparian woodland
Yellow warbler	Oak Riparian woodland
Burrowing owl	Grassland
Sharp-shinned hawk, white-tailed kite	Oak Riparian woodland
Bats (Myotis spp., Pacific western big-eared bat, and greater western mastiff bat)	Oak Riparian woodland
Other Special-status Species	**Associated Vegetation Types**
Big-scale balsamroot	Grassland
Diablo helianthella	Coastal scrub, oak riparian woodland
Robust monardella	Coastal scrub, grassland
Fragrant fritillary	Coastal Scrub
Great blue heron	Oak Riparian woodland
Cooper's hawk, red-tailed hawk and other raptors	Oak Riparian woodland, non-native dominant habitat
Lum's micro-blind harvestman	Grassland
Alkali milk vetch	Grassland
Robust monardella	Coastal scrub, grassland

Source: ESA, 2006; Dyett & Bhatia, 2009

Biological Resources Overlay Zone

Figure 7-2, Biological Resources Overlay Zone (BROZ), illustrates the biological resource priority levels throughout Castro Valley. The purpose of the Overlay Zone is to protect areas with important biological resources, such as creeks, hillsides, and riparian areas, by requiring special review of proposed development projects. The review process would be required on all sites with high priority biological resources and on large sites (over two acres) with moderate or low priority biological resources.

Special review may involve environmental review, site plan and development review, and/or the application of County policy or ordinance requirements during review of development permit applications. The special review process will: evaluate the actual value of the habitat on the property; establish site planning parameters to preserve the most critical and/or most sensitive habitat areas; and establish conditions of approval to protect special status species during construction and occupancy. The special review requirements should be proportionate to the scale of the development project and the amount of valuable habitat on the property. On larger properties with high priority biological resources, the special review should require a biological assessment by a qualified biologist. For small home additions, application of standard conditions during building permit review would be more appropriate.

Development is allowed on parcels within the BROZ; however, the review process shall determine the level of development allowed and the design features necessary to protect biological resources. In order to ensure the protection of resources, property owners may not necessarily entitled to the maximum amount

of development allowed under the zoning on BROZ parcels.

Priority levels shown on the map are based on a habitat area's biological sensitivity and its role as habitat for threatened species. For example, oak/riparian woodland is considered the most biologically sensitive habitat, while coastal scrub and grassland are considered common plant communities. However, these communities may have higher preservation value when they provide potential habitat for threatened species or suitable habitats for supporting special status plants. In addition, grassland habitats have the potential to contain wetland habitats and/or small drainages that are a high priority for preservation. Isolated patches of non-native dominant habitat surrounded by development are considered a low priority for preservation.

Future field surveys may identify features within grassland and nonnative dominant habitats that would increase the preservation value of certain areas within these habitat types (i.e. wetlands and other aquatic features). The priority scheme for habitats within Castro Valley is as follows:

High Priority
• Drainages
• Oak Riparian Woodland
• General Plan designated natural open space areas
• Coastal scrub on both sides of the Castro Valley Creek Improved Channel reach
• Coastal scrub just east of Cull Canyon Drive
• Coastal scrub between Jensen Road and Castro Valley Blvd/ Villareal Drive

Moderate Priority
• Other Coastal Scrub areas
• Grasslands

Low Priority
• Non-native Dominant Habitat

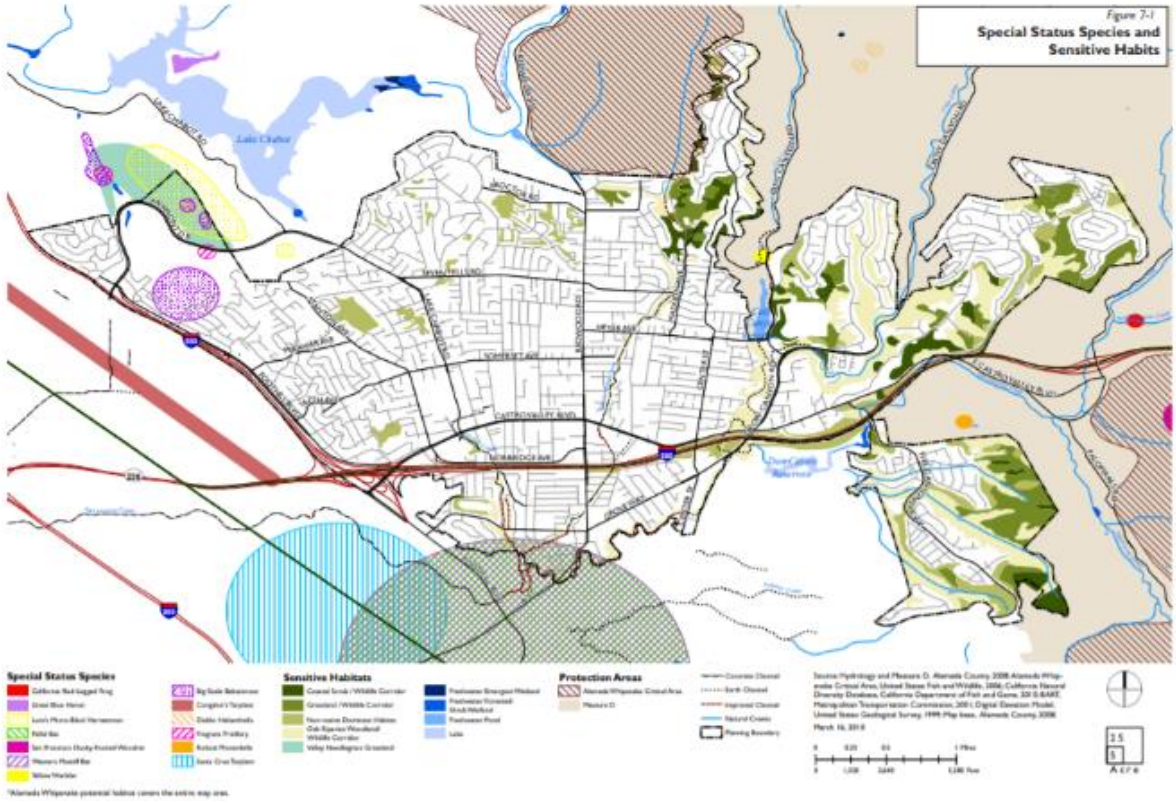


Figure 7-1
Special Status Species and Sensitive Habits
Special Status Species
Sensitive Habitats
Protection Areas

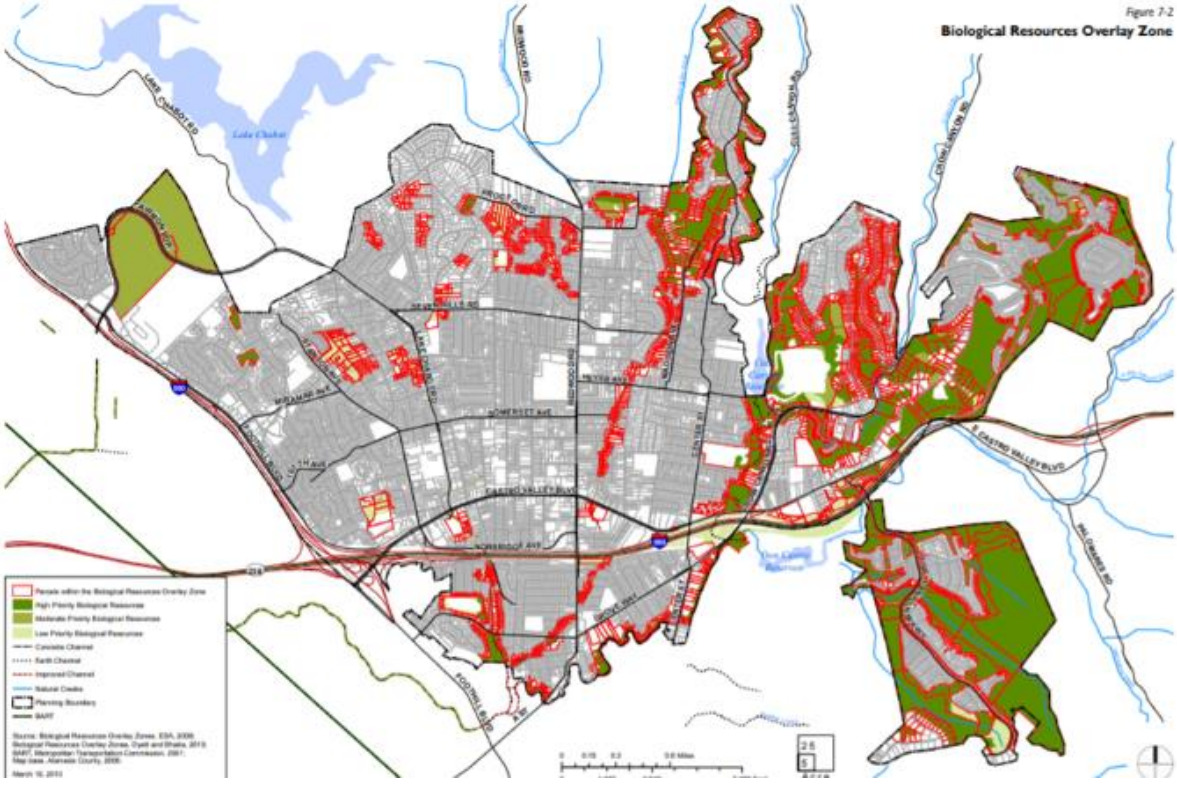


Figure 7-2
Biological Resources Overlay Zone

WILDLIFE AND SENSITIVE HABITAT GOAL

Goal 7.1-1 **
Protect Castro Valley's native wildlife through conservation and restoration of natural habitat.

WILDLIFE AND SENSITIVE HABITAT POLICIES

Policy 7.1-1 **
Major Wildlife Corridors Protection. Protect the major wildlife corridors that run through or are adjacent to Castro Valley: (1) the corridor along the East Bay Hills in the forest and chaparral between major interstate highways; and (2) along creeks.

Policy 7.1-2 **
Comprehensive Habitat Preservation. Preserve a continuous band of open space consisting of a variety of plant communities and wildlife habitat to provide comprehensive rather than piecemeal habitat conservation.

Policy 7.1-3 **
Open Space Preservation. Preserve the undeveloped areas designated as open space within planned unit developments as permanent open space.

Policy 7.1-4 **
Open Space Objectives. Require that open space provided as part of a development project be designed to achieve multiple objectives, including but not limited to: recreation, scenic values, habitat protection, and public safety.

Policy 7.1-5 ***
Riparian Habitat. New development shall not disturb any riparian habitat.

Policy 7.1-6 Watershed Plan Coordination. Encourage the formation of a San Lorenzo Watershed Commission charged with ensuring coordination between multiple agencies and overseeing preparation of a comprehensive watershed plan

WILDLIFE AND SENSITIVE HABITAT ACTIONS

Biological Resources

Action 7.1-1 *
Biological Resources Overlay Zone. Explore the possibility of a biological resources overlay zone delineating high, moderate, and low priority areas for habitat preservation, to ensure maximum protection of biological resources.

• Require discretionary review for all development applications on properties within the high priority biological resources overlay zone, and for large sites over two acres in size with moderate or low priority biological resources. Discretionary review could include one or more of the following: environmental assessment per the California Environmental Quality Act; site plan and development review; and/ or the application of Board policy or other ordinance requirements.

• Establish in the ordinance that on lands with biological resources, new development is not necessarily

entitled to achieve the maximum density allowed by the underlying zoning. An environmental assessment may be required, prepared by a qualified biologist, which shall be the basis for establishing development constraints specific to the property in question. Development intensity may be required to be reduced up to 50 percent of the intensity allowed by the underlying zoning, depending on the extent and value of the biological resources on the site.

• Establish thresholds of review for different types of projects, and different types of waterways. For example, a comprehensive environmental assessment should be required for new subdivisions, whereas minor improvements such as fences or decks may be exempt from special review if they meet specific standards.

Action 7.1-2
Biological Resources Maps and Inventories. Maintain maps and inventories of biological resources to use when conducting site plan and development review. Update these resources regularly to include new information from site surveys that are conducted in the planning area.

Action 7.1-3 *
Design Guidelines for Biological Resource Zones. Establish guidelines to ensure that development planned on or adjacent to high and moderate priority areas designated on the Figure 7-2, Biological Resources Overlay Zone will be designed to minimize impacts on sensitive resources and habitat areas.

• Apply these guidelines through the Planning Department's project review process.

• Include information about ways in which special-status plant and wildlife populations on private properties can be protected over time.

• Specify that watercourses and areas dominated by native trees and shrubs be left undisturbed by development to the maximum extent feasible.

Sensitive Habitat

Action 7.1-4 **
Open Space Preservation Mechanisms. Evaluate mechanisms to preserve open space and wildlife habitat to determine the most feasible options, such as zoning, fee title purchase, conservation easement purchase, or conservation easement dedication through density transfer, or density bonuses.

Action 7.1-5
Habitat Restoration Funding. Evaluate the feasibility of property tax credits and other possible funding sources for habitat restoration on larger size private lands as an incentive to foster the implementation of habitat restoration actions by private landowners.

Action 7.1-6 ***
Riparian Woodlands and Wetlands Mitigation. Discourage loss of riparian woodlands and seasonal and perennial wetlands, including ponds, by requiring replacement mitigation at a ratio to be determined by the value of the habitat to be lost. To facilitate replacement mitigation, the County shall support the creation of wetland or other habitat mitigation banks.

Action 7.1-7 *
Preservation and Protection of Riparian Vegetation. Consider adopting an ordinance to preserve and protect riparian vegetation, with exceptions for clearing hazards, clearing blocked channels, and other

activities necessary for public safety.

Policy 7.1-8
Historical Woodlands and Grasslands. Encourage the East Bay Regional Park District to restore historical woodlands and grasslands to provide natural habitat and reduce fire danger.

Wildlife Corridors

Action 7.1-9 *
Connect Open Space to Large Habitat Areas. In the review of new subdivisions and other new development, require the preservation of adequately wide strips of undisturbed land to connect larger tracts of natural habitat or areas with biological resources.

Action 7.1-10 **
Conservation Easements. Encourage local land trusts and other easement holders to prioritize and acquire easements that serve to protect wildlife corridors.

Action 7.1-11
Public Infrastructure. Actively encourage agencies responsible for public infrastructure to site and design roadways and utilities in such a way as to minimize impacts to wildlife corridors, creeks, and regional trails. Where appropriate, grade-separated crossings and/or other features should be used to maintain the viability of the affected corridor.

Action 7.1-12
Wildlife Movement Corridors. Protect the wildlife movement corridors of special status species where they cross under I-580.

7.2 CREEKS AND STREAMS

Creeks play a critical role in wildlife habitat protection, water quality protection (by filtering pollutants), surface water drainage, and flood prevention. There are several perennial and seasonal creeks within the Castro Valley planning area (see Figure 7-1). The main ones include Crow Creek, Cull Creek, San Lorenzo Creek, Castro Valley Creek, and Chabot Creek. Several unnamed tributaries convey flows to these creeks; however, this map shows only few of them. Various creek segments are natural, managed in concrete-lined or earthen channels, or contained in a closed conduit (culvert). As mentioned in Section 7.1, the well-developed riparian areas along Crow Creek and San Lorenzo Creek are important wildlife habitats and corridors.

These drainage patterns within Castro Valley are shaped by the region's topography, which consists of steeper areas located along the foothills of the Diablo Range that gradually flatten out onto an alluvial plain. Water drains from higher elevation areas in the adjacent undeveloped land outside the urbanized area, through Castro Valley, and then down through Hayward and San Lorenzo before it reaches San Francisco Bay. Sections of San Lorenzo Creek, Chabot Creek and Castro Valley Creek have been altered over the years with channels and culverts to convey higher flows.

The County has a Watercourse Protection Ordinance (Chapter 13.12 of the County General Code) that applies across the unincorporated area of Alameda County. Its purpose is to safeguard and preserve watercourses, protect lives and property, prevent damage due to flooding, protect drainage facilities, control erosion and sedimentation, and enhance the recreational and beneficial uses of watercourses. In order to better protect creeks and riparian corridors and enhance their benefits for wildlife and Castro

Valley's quality of life, specific actions should include revisions to the ordinance.

CREEKS AND STREAMS GOAL

GOAL 7.2-1 ***
Preserve and restore creek channels, and riparian habitat to protect and enhance wildlife and aquatic-life corridors, flood protection, and the quality of surface water and groundwater.

CREEKS AND STREAMS POLICIES

Policy 7.2-1 ***
Creek and Flood Channels. Protect all creeks and engineered channels that traverse the urbanized area of Castro Valley.

Policy 7.2-2 ***
Creek Setbacks. Establish adequate creek set backs to maintain and where appropriate enhance important stream functions.

Policy 7.2-3 ***
Creek Uses. Manage creeks for multiple uses including: scenic quality, recreation, water quality, soil conservation, groundwater recharge, and wildlife habitats.

Policy 7.2-4 ***
Natural/Nonstructural Creek Drainage Systems. Use and reclaim or fully restore natural or nonengineered creek drainage systems to the maximum extent feasible and look for opportunities to convert structural stormwater drain

CREEKS AND STREAMS ACTIONS

Action 7.2-1
Alameda County's Watercourse Protection Ordinance. Revise the County's Watercourse Protection Ordinance to ensure maximum protection of creeks and adjacent riparian habitat by requiring new development to provide sufficient setbacks and rights-of-way to meet the County's objectives for storm drainage, flood control, habitat protection, recreation, and other appropriate uses. Include the following provisions:

• Do not allow grading or structures within a creek bed, unless they are required to prevent flooding and erosion that pose an imminent hazard to public health and safety, or to prevent serious property damage;

• Require the preservation and/or restoration of natural drainage and habitat to the maximum extent feasible, without causing further acceleration of water flow or erosion further downstream;

• Increase the setback for habitable structures to ensure adequate distance between structures and an open creek channel.

• Require construction methods that minimize flooding and erosion;

• Consider limiting the amount of impervious surface within 100 feet of the top of the creek bed channel to limit erosion and acceleration of water flow into the creek channel;

• Establish basic standards for development in or near creekside areas, in order to clarify and expedite the permitting process;

• Require preparation of a creek protection plan for new construction or significant expansion on creekside properties. The creek protection plan shall: be prepared by qualified professionals; establish areas most suitable for construction; and identify construction procedures that will minimize impacts n creek channels and riparian vegetation.

Action 7.2-2
Review Procedures and Meetings. Establish review procedures and convene regular meetings to coordinate relevant departments, divisions, and public agencies to manage creek management and preservation goals.

Action 7.2-3
Comprehensive Creek Corridor Open Space Plan. Work with public agencies, nonprofit organizations, and other interested parties to develop a Comprehensive Creek Corridor Open Space Plan. The Plan shall identify: key acquisitions along creek corridors; restoration potential along creek corridors; and alternative management practices along creek corridors.

Action 7.2-4
San Lorenzo Creek Action Plan. Implement the San Lorenzo Creek Action Plan, prepared as part of the County Public Works Stormwater Quality Management Plan, as well as other restoration and trail projects in the San Lorenzo Creek watershed, to the extent that funds are available.

Action 7.2-5
Creek Protection and Restoration. Work with nongovernmental organizations such as the Friends of San Lorenzo Creek, the Urban Creeks Council on creek protection and restoration efforts in order to support community involvement and resource enhancement.

7.3 VEGETATION

In addition to providing habitat and movement corridors for a variety of wildlife species, Castro Valley's native and non-native vegetation contributes to the character of the area and provides other environmental benefits. The term "urban forest" is sometimes used to describe all of the vegetation, both public and private, in a community. In Castro Valley, the urban forest comprises vegetation in the planning area's neighborhood, community, and regional parks; street trees; community gardens; and even ornamental landscaping and backyard vegetable gardens on private property.

This variety of vegetation helps to manage stormwater by preventing erosion and plays a crucial function in water quality protection by filtering pollutants. Trees beautify neighborhoods, increase property values, reduce noise and air pollution, and create privacy. Trees also provide shade for recreational enjoyment, buildings, and paved areas. Work with non governmental organizations on stream protection and creek restoration, such as with Chabot Creek. Site planning with trees in appropriate locations can reduce the need for air conditioning and associated energy consumption. Although most of the orchards and farms that once abounded in Castro Valley have been replaced by development, an increasing number of residents are cultivating home gardens that provide food as well as environmental benefits.

The County's Tree Ordinance protects larger trees in public right-of-ways but no similar protection exists for trees on private property. Although the Castro Valley Central Business District Specific Plan includes landscaping requirements and guidelines, there are no comparable provisions applicable to development

in other parts of the planning area.

VEGETATION GOAL

GOAL 7.3-1
Maintain, preserve, and enhance trees and vegetation to provide environmental and aesthetic benefits.

VEGETATION POLICIES

Policy 7.3-1
Alameda County Tree Ordinance. Continue to implement and enforce the Alameda County Tree Ordinance to protect trees in the public right-of-way.

Policy 7.3-2 **
Native Environment. Maintain and enhance the existing environment by preserving existing native trees and plants whenever feasible, replacing trees on-site, and adding trees and other vegetation in the public right-of-way.

Policy 7.3-3
Gardening. Support local gardening by facilitating community gardens and creating markets for local goods.

VEGETATION ACTIONS

Action 7.3-1
Enforcement of Alameda County Tree Ordinance. Ensure that there is sufficient funding to enforce the Alameda County Tree Ordinance. Require permits for planning, pruning, or removing trees in the public right-of-way.

Action 7.3-2 *
Heritage Trees. Consider amending the Tree Ordinance to preserve and protect heritage trees including native oaks and other significant native trees on private property.

Action 7.3-3
Native Trees and Plants. Adopt guidelines to promote the use of native trees and plants when landscaping on any County property. Consider adopting guidelines to mitigate the impact of private development on land with significant habitat value.

Action 7.3-4
Community Gardens. Identify potential community garden sites and sup-port the establishment of such gardens.

Action 7.3-5
Planter Strips. Consider amending the County zoning ordinance to prohibit paving of planter strips.

Chapter 8
Community Facilities, Parks and Schools

This section not included in this excerpt of the CV General Plan.

8.1 COMMUNITY FACILITIES

This section not included in this excerpt of the CV General Plan.

8.2 PARKS AND RECREATION

This section not included in this excerpt of the CV General Plan.

8.3 TRAILS

Castro Valley residents have easy access to East Bay Regional Park District trails but, in contrast to more recently developed communities, there are relatively few trails and pathways connecting neighborhoods to one another or to the extensive resources that surround the community. Because most of the planning area was built up before communities recognized the value of making provision for non-automated transportation, the challenge is to identify and take advantage of opportunities to develop off-road pedestrian, biking, and equestrian trails as the community is built-out and redeveloped within its relatively limited existing boundaries.

TRAILS GOAL

GOAL 8.3-1 ***
Provide a comprehensive system of hiking, equestrian and bicycle trails to connect major park and recreation areas within and adjacent to the Castro Valley Planning Area, to connect neighborhoods, and to provide an alternative means of access between neighborhoods and the downtown.

TRAILS POLICIES

Policy 8.3-1 ***
Integration of Trails in New Development. Incorporate trails, greenways, and linear recreation facilities as integral components of new development.

Policy 8.3-2
Enhancement of Public Awareness about Trails. Increase public awareness of trails and pathways.

Policy 8.3-3 ***
Location of Trails within Flood Control and Riparian Corridors. When feasible, locate trials within the boundaries of flood control and riparian corridors. Site creekside trails to minimize disruption to riparian areas. Incorporate trails, greenways, and linear recreation facilities as integral concepts of new development.

TRAILS ACTIONS

Action 8.3-1
Amendment of Subdivision Requirements for Trail Linkages. Amend the County subdivision ordinance to require projects abutting existing parklands to provide linkages to the trail system.

Action 8.3-2
Downtown Pedestrian and Bicycle Path. Study the feasibility of developing a pedestrian and bicycle path linking the new Castro Valley Library to surrounding commercial and residential areas along Castro

Valley Creek.

Action 8.3-3 ***
Multiple Uses for Land Adjacent to Natural Watercourses. Identify opportunities for acquiring land along Castro Valley's natural watercourses to meet multiple objectives of flood protection, recreation, improved water quality, and increased non-motorized connectivity between residential, commercial, and civic areas.

Action 8.3-4 ***
Multi-Use Trail System. Coordinate with HARD, the Cities of Hayward and San Leandro, and the East Bay Regional Park District to provide trailheads and linkages to a multi-use trail system.

Action 8.3-5
Funding for Signage and Maps of Trail System. Seek public and private funding to install attractive signage and produce maps illustrating trails and pathways.

Action 8.3-6 ***
Route 238 Corridor Trail. Coordinate with HARD and other park agencies to incorporate a multi-use trail into the plans for development on land in the former Route 238 Corridor.

Date: November 25, 2019

To: Nisha Chauhan, Senior Planner
Alameda County Planning Department
224 W. Winton Avenue, Rm 111
Hayward, CA 94544

From: Bethany Schulze
Field Assistant, bat monitoring – University of California, Santa Cruz
Conservation Analyst (bat projects) – Center for Natural Lands Management
Graduate Student, Environmental Science - California State University, Monterey Bay
bschulze@csumb.edu

Subject: Comments on the September 2019 CEQA Analysis of Eden Housing's Proposed Ruby Street Project

Dear Planning Department,

This letter includes comments on the September 2019 CEQA Analysis of Eden Housing's proposed Ruby Street Project covered under Site Development Review PLN2019-00024 dated June 17, 2019. The CEQA Analysis is covered in the document titled, "Ruby Street Apartment's Project – Environmental Checklist of Community Plan Exemption, September 2019."

The 2019 CEQA Analysis of Eden Housing's proposed Ruby Street Project fails to include impacts to a California Species of Special Concern – the western red bat. It is common for biological assessments done by consulting firms to exclude acoustic monitoring from their protocols due to lack of resources or experience. The section on bats in the biological assessment only included potential roosts for pallid bats and Townsend's big-eared bats which have very different roosting ecology from western red bats. Western red bats are foliage roosting species that roost in trees by hanging from the twigs and leaves (Pierson et al. 2011), therefore any mature trees could be suitable roosting habitat.

I performed acoustic monitoring of bats at the Ruby Street parcel using an Echometer Touch Bat Detector on August 25, 2019. I manually vetted the bat echolocation calls that were recorded and found that western red bats were detected during the four-hour recording session. August is typically the beginning of the fall migration period for western red bats. Western red bats breed in inland areas of California such as the Central Valley during the summer and migrate to southern and coastal areas during the fall. Riparian corridors such as the one at the Ruby Street parcel provide essential roosting foraging habitat for western red bats and are among the most threatened types of habitats on the planet (Dudgeon 2010).

I do not recommend approval of the Ruby Street Apartment Project because it will have serious impacts to the roosting and foraging habitat of western red bats.

References

Dudgeon D. 2011. Prospects for sustaining freshwater biodiversity in the 21st century: linking ecosystem structure and function. Current Opinion in Environmental Sustainability 2(5):422-430. DOI: 10.1016/j.cosust.2010.09.001

Pierson ED, Rainey WE, Wyatt D. 2011. Roosting and Foraging Habitat for the Western Red Bat (*Lasiurus Blossevillii*) in the Sacramento River Valley of California. Report for U.S. Fish and Wildlife Service, Red Bluff, CA.

Flemming, Michael, CDA

From: Matthew Indimine <Matthew.Indimine@edenhousing.org>
Sent: Friday, November 22, 2019 10:12 AM
To: Chauhan, Nisha, CDA
Cc: Ellen Morris
Subject: Ruby Street Support Letter
Attachments: EBHO-Castro Valley Ruby Street Letter.pdf

Good morning Nisha,

I hope this email finds you well. I am writing to convey this support letter for Eden's Ruby Street development, as a comment for item 5 on Monday's Castro Valley MAC meeting agenda, on behalf of EBHO. I kindly ask that you confirm receipt of this submission.

Thank you so much in advance. Have a wonderful Thanksgiving!

Best,
Matt

Matthew Indimine | Communications and Advocacy Manager
Eden Housing | 22645 Grand Street, Hayward, CA 94541
510-247-8144 **Office** |
Matthew.Indimine@edenhousing.org | www.edenhousing.org

The mission of Eden Housing is to build and maintain high-quality, well-managed, service-enhanced affordable housing communities that meet the needs of lower income families, seniors and persons with disabilities.

East Bay Housing Organizations

November 21, 2019

Ms. Nisha Chauhan
c/o Castro Valley Municipal Advisory Council
224 W. Winton
Room 111
Hayward, CA 94544

Dear Ms. Chauhan:

I write this letter on behalf of East Bay Housing Organizations (EBHO) to provide comments on Item 5 of the Municipal Advisory Council's Monday, November 25th agenda. EBHO is a 35 year old membership organization committed to creating, preserving and protecting affordable housing opportunities for low-income residents of the East Bay. Many of our members live and/or work in Castro Valley.

We wish to express support for Eden Housing's Ruby Street Project. This is an 100% affordable housing project which will provide 72 units of much needed housing for families earning between 30% and 60% of AMI. The project is located on former Caltrans land, and is an excellent example of what can and should happen when surplus public land is used for public good and the creation of affordable housing in the East Bay. Eden Housing is an established affordable housing developer with a 50 year track record of building and maintaining high-quality, well-managed, service-enhanced affordable housing communities that meet the needs of lower income families, seniors and persons with disabilities. Eden is one of EBHO's strongest and most active members. We know the nature and quality of their work, and we are pleased to support this project.

Alameda County's CEQA review of the Ruby Street Project was thorough and complete. The project will have no adverse effects on the community, but instead will provide positive benefits. Not only will it provide much needed affordable housing to the Castro Valley community, it will also help provide public access to parkland, as well as the San Lorenzo Creek Trail. We urge you to recommend approval of this project.

EBHO looks forward to continuing to engage with the Castro Valley community to encourage affordable housing and quality services for all residents.

Sincerely,

Sophia DeWitt

Rev. Sophia DeWitt
Program Director

Flemming, Michael, CDA

From: Ellen King <wefourkings77@gmail.com>
Sent: Friday, November 22, 2019 10:08 PM
To: Chauhan, Nisha, CDA
Subject: Ruby Meadow Oak Riparian Woodland and Wildlife Corridor

Nisha,
As San Leandro residents, whose backyard is on the bank of the San Lorenzo Creek, we recognize our creek as part of the larger watershed, whose remaining riparian woodlands and wildlife corridors must be protected.
Ruby Meadow is an Oak Riparian Woodland and Wildlife Corridor. As such, the proposed Eden Housing Project is NOT allowed at Ruby Meadow as per the Castro Valley General Plan Biological Resources Overlay Zone.
While it is important to provide affordable housing in Alameda County, Ruby Meadow is an inappropriate location and the Eden Housing project must not be approved.

Respectfully,

Steven and Ellen King
1038 Duzmal Avenue
San Leandro, CA
510-357-4806

Flemming, Michael, CDA

From: Liz Dunbar <eadunbar@gmail.com>
Sent: Monday, November 25, 2019 3:06 PM
To: Chauhan, Nisha, CDA
Subject: Input on the Ruby Meadow project

Hello Nisha,

I am writing to again express my concerns about Eden Housing's proposed development at Ruby Meadow. As I mentioned in my email on 04.09.19, I live on Knox St. just around the corner from Ruby Meadow. My husband and I are also local realtors who have sold many homes in the Baywood neighborhood.

We understand and support both home and multi-family unit development. We recognize that the need for Bay Area housing is large. However, development can't come at the expense of existing neighborhoods. The Baywood neighborhood is a very special neighborhood. Many entry level families buy their first home here and other families downsize and retire here. We and our neighbors appreciate the rural element that is part of Baywood's charm. Many of us have the creek running through or near our property. Developing the Ruby Meadow project would dramatically alter our neighborhood area in many ways and will very likely affect the home value of existing residents.

The proposed structure is quite large for the lot size and would completely overwhelm the character of our neighborhood. We have no sidewalks in this part of the Baywood and many of us walk and run here. What will the extra 100-130 cars do to our safety? On many occasions, (see attached photos from Thursday, November 14, 2019) the senior center lot and much of Crescent Ave. by the center, were packed with cars. Where will the additional 30 cars that the project envisions go? Lastly, the increase in traffic was mentioned in the CEQA document as "less than significant". To add 100+ cars traveling on narrow streets without sidewalks in a quiet residential area is very significant to those of us who live here.

To conclude, we feel that there are already blighted areas in our community which are ripe for development. We ask that you help us preserve the character of our Baywood community, including our vital woodland and wildlife corridor.

Best regards,
Liz Dunbar

Flemming, Michael, CDA

From: Mark shinners <marksejlf@gmail.com>
Sent: Friday, November 22, 2019 10:46 AM
To: Chauhan, Nisha, CDA
Subject: CEQA Review of Eden Housing's Ruby Street Project

I am against housing at Ruby Meadows for following reasons:
(1) It is a very sensitive biological area. Deer, turkey and other wild life are in this area.There is no other near by area they can go to. The site is registered as a highly significant Biological area and should be protected..
(2) The meetings between the developer and the county were held in secret The developer claimed that they had fulfilled all the county requirements needed for construction permits. This is a lie. They never did a traffic survey. They never did a wild life survey. They did not ask for comment from the people that lived in the area around Ruby Meadows. The height of the proposed buildings will cast a large shadow over residencies in the area.

.

I frequently pass by Ruby Meadows on my runs thru the Castro Valley/Hayward area.I see the deer, turkeys, ducks and other wild life along with the many trees and flowing creek. The destruction of Ruby Meadows will really hurt the area. There are other open parcels along the 238 corridor that could and should be used for affordable housing.
. - Mark Shinners
.

Flemming, Michael, CDA

From: Marlina Rose Selva <dr.selva3@gmail.com>
Sent: Monday, November 25, 2019 6:14 PM
To: Chauhan, Nisha, CDA
Cc: Ackerman, Hank; Cho, Andy Hyun-Jae; Lopez, Albert, CDA; Paul McCreary; BOS District 4; Ellen Morris; Orduna, Rodrigo, CDA; Rogers, John; Valderrama, Arthur
Subject: Comments on CEQA Analysis of Ruby Street Project
Attachments: Letter with comments on Proposed Ruby St Project (3rd proposal)-signed.pdf

Dear Ms. Chauhan,

Attached is my letter with comments on the September 2019 CEQA Analysis for Eden Housing's proposed Ruby Street Project. I am a Friend of San Lorenzo Creek and member of Ohlone Audubon Society, and I live in the community. I do not recommend approval of this SDR and plan or CEQA Analysis. A full Environmental Impact Report (EIR) is needed. I look forward to further discussions or meetings on this topic.

Sincerely,

Marlina R. Selva, Psy.D.
A Friend of San Lorenzo Creek
Member of Ohlone Audubon Society

Marlina Rose Selva
A Friend of San Lorenzo Creek
Member of Ohlone Audubon Society
Neighbor in the Community
Upper B Street Area in Hayward, CA
dr.selva3@gmail.com

November 25, 2019

Alameda County Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544
Attention: Nisha Chauhan, Senior Planner

Cc: Ellen Morris, Eden Housing Project Manager

Re: Comments on the September 2019 CEQA Analysis of Eden Housing's Proposed Ruby Street Project

Dear Ms. Chauhan,

I am a neighbor in the community, friend of San Lorenzo Creek and member of Ohlone Audubon Society. I am writing this letter to expand my comments on Eden Housing's proposed Ruby Street Project as included in the June 17, 2019, Project Referral, to include comments on their recent CEQA Analysis. I previously submitted letters dated April 8, 2019 and July 8, 2019 that contained written comments on this project. Due the relevance of my previous comments that describe the environmental impact of this project, those comments are reiterated in this letter. I live in the community and close to the creek. I observe the wildlife and habitat that are a part of the active ecosystem in the area.

I do not recommend approval of this Site Development Review (SDR) and plan, or eligibility for a CEQA Community Plan Exemption, because a) the project site is located in an Oak Riparian Woodland/Wildlife Corridor; b) an inadequate environmental assessment has been provided that does not show all of the biological resources that need to be protected, including beyond the minimum creek setback (e.g., Oak Riparian Woodland/Wildlife Corridor); c) there is no implementation of a plan for this site that protects the site and corridor's riparian and High Priority Biological Resources (e.g., riparian areas, and the Oak Riparian Woodland and Wildlife Corridor of San Lorenzo Creek and Ruby Meadow) as described and prescribed under CEQA, the CV General Plan, Watercourse Protection Ordinance (WPO), and Specific Plan for Areas of Environmental Significance (SPAES); d) the Watercourse Protection Ordinance (WPO) creek setback is not correctly determined, which will result in the destruction of an ecosystem; and e) there is a significant deficit in the amount of open space in the neighborhood in comparison to standards based on the Quimby Act (California Government Code section 66477).

There are special-status species, common species, and native wildlife habitat in this area. I see deer, egrets, hawks, wild turkeys, and other wildlife. There are migratory species dependent on this site. This corridor is crucial in maintaining interconnectedness between wildlife populations and providing suitable habitat during periods of migration. Even just a few oak trees can help prevent the isolation of populations and facilitate the movement and dispersal of some bird species, for example. Deer receive protection and food as they travel along the riparian corridor.

The Castro Valley (CV) General Plan reflects this importance. For example, Section 7.1 of the CV General Plan outlines that "oak riparian woodland, coastal scrub, and grassland vegetation serve as the primary wildlife movement corridors for common and special-status wildlife species within the Castro Valley planning area," as shown in Figure 7-1. Furthermore, oak riparian woodland and naturalized native trees are considered by the CV General Plan to be sensitive habitat areas suitable for special-status species; these provide potential nesting habitat for bird species. Creeks are also considered by the CV General Plan to be sensitive habitat areas. The CV General Plan designates much of the Ruby Street proposed project area as "Sensitive Habitat," "Oak Riparian Woodland/Wildlife Corridor," and "High Priority Biological Resource." According to the CV General Plan, oak/riparian woodland is considered the most biologically sensitive habitat. The CV General Plan defines and outlines protections for these habitats, resources, and corridors.

Moreover, Alameda County's Watercourse Protection Ordinance (WPO) protects the 20-foot, minimum setback of the creek plus riparian areas and their ability to be restored. The proposed Ruby Street project plans display a minimum creek setback that was determined incorrectly. The plans should actually show a minimum creek setback boundary line that is located further away to ensure creek and habitat protection.

Alameda County's Flood Control and Conservation District includes a section on their website dedicated to floodplain mapping in the San Lorenzo Creek Watershed. The District attributes extensive development in Castro Valley over the years as the cause for greater runoff to flow into the creeks. Despite efforts to remove some of the properties, it continues to be a challenge to find cost-effective solutions to provide greater flood protection to properties within the watershed.

It is of great concern that a full environmental impact report (EIR) has not been conducted and that this kind of development project would even be considered for eligibility for a CEQA Community Plan Exemption. It is a major concern that the CEQA Analysis does not show the significant impacts of this project. There needs to be a more thorough assessment and completion of an Environmental Impact Report (EIR).

This project's June updated plans and results from the recent CEQA Analysis continue to show that the size of the proposed project is too big for the site and will result in development that removes and/or covers the riparian woodland and wildlife habitat of Ruby Meadow. The updated plans also will result in removal and/or coverage of large portions of the riparian habitat along the top-of-bank in the creek setback and conservation easement areas. The Castro Valley General Plan identifies much of this site as having High Priority Biological Resources, Sensitive

Habitat, Oak Riparian Woodland, and Wildlife Corridor. The General Plan also specifies special review and biological assessment to determine the level of development allowed, design features to protect biological resources, and possible reduction in maximum amount of development allowed under the zoning for the site. In addition, the County's Watercourse Protection Ordinance (WPO) and Specific Plan for Areas of Environmental Significance (SPAES) also require assessment and protection of the riparian areas. This project is inconsistent with the General Plan as it is zoned as a Biological Resource Overlay Zone, which in no way guarantees development.

Urban conservation and creek restoration is much needed more than ever. The local and federal government make pledges to help in the fight against climate change. This does not simply mean reducing greenhouse gas emissions to safer levels. Nature can help cities and areas like those in the Ruby Street area solve some of the biggest challenges such as access to clean air, clean water, and a stable climate. In cities across the globe, organizations are working together to restore and protect the watersheds. There is recent discussion on the Hayward Regional Shoreline and rising sea levels. The San Lorenzo Creek Watershed is a system of creeks that pours out into the eastern shore of the San Francisco Bay. We cannot have a healthy Bay without healthy creeks. Trees and vegetation located in riparian areas not only provide critical wildlife habitat, but also aid in flood control, regulation of temperature, and prevention of erosion.

Furthermore, the United Nations (UN) has recently issued reports supporting the need for protections as one million species of plants and animals have been pushed to the brink of extinction. The UN reported that one of the main ways that humans are reducing biodiversity is by converting natural environments into urban systems. For the sake of public health and biodiversity, I encourage all those involved to proceed with caution when considering zoning changes and land usage. We might not quickly resolve the debate regarding the "housing crisis," but we can allow people equal access to parks, open space, and recreation in harmony with our natural ecosystems to sustain humanity, plants, and wildlife, which are all interconnected.

Eden Housing describes in its mission statement on the website an aim to “build and maintain high quality, well-managed, service-enhanced affordable housing communities that meet the diverse needs of lower income families, seniors, and persons with disabilities.” It goes without saying that this is a respectable mission. Eden Housing also describes a vision “for everyone to have access to safe, decent, affordable housing” and a belief that “housing is a basic human necessity that is essential to everyday life and future success.” Access to clean air and clean water are also a public right. Human health and natural environmental ecosystems deserve protection. Irreversibly destroying wildlife habitat for this proposed project shows a placement of profit before both public health and nature.

A large body of research, including findings from Stanford University, has established a relationship between increasing urbanization and increased rates of mental illness, with the explanation being further removal from nature. Urbanized areas with trees do not provide anywhere near the mental health benefits (e.g., decreased depression, anxiety, stress, and ADHD symptoms) compared to natural settings (e.g., grassland area scattered with Oak trees and

shrubs). University of Illinois recently published findings that urban and rural counties across the nation with the lowest socioeconomic status appeared to benefit the most with better health outcomes (as evidenced by lower Medicare costs) from increases in forests and shrubs. Research also shows that connections to nature are critical to children's social, emotional, and cognitive development. Elders, children, and families need nature to thrive and there is a disparity in the accessibility to parks, trails, and open space in economically repressed communities compared to more affluent areas. This neighborhood already has a significant deficit in parks, recreation, and open space.

The Ruby Street Project proposed by Eden Housing is not appropriate in this riparian area of the San Lorenzo Creek Watershed as it paves natural land in order to urbanize. Whole habitats will be eliminated in addition to the depletion of permanent resources. In order to build this project, a natural environment must be destroyed. The housing and human activity that come along with the conversion of land into an urban system produces many destructive and irreversible effects on the natural environment such as air pollution, sediment and soil erosion, increased flooding magnitude, loss of habitat, and climate change. No amount of mitigation can correct the negative impact of the proposed project's land usage.

Furthermore, using alternative forms of energy and adding "clean and green" features to development projects does not replace the need to take care of our natural ecosystems that sustain biodiversity. Policy-makers and others in positions of power need to rethink the direction they are taking things in without using more caution in converting to alternative forms of energy. Earth Journalism describes that "all the clean, smart and low-carbon technologies are reliant on rare earths....The country's rare earth reserves are much depleted; environmental costs in the trillions of yuan have not been factored into market prices; and a rampant black market in rare earths, both at home and abroad, has exacerbated environmental damage and the loss of resources....These compounds, which are highly toxic when mined and processed, also take a heavy environmental toll on soil and water, posing a conundrum for policymakers in China, the world's biggest producer and consumer of rare earths." https://earthjournalism.net/stories/the-dark-side-of-renewable-energy

Even National Geographic supports the notion that manufacturing solar panels has a costly environmental impact, including the emission of greenhouse gases. Unfortunately, as the demand for renewable energy rises, the sustainability of its manufacturing practices has become less transparent. Like the fossil fuel industry, there appears to be more focus on survival and growth of the industry than addressing the commitment to sustainability. https://www.nationalgeographic.com/news/energy/2014/11/141111-solar-panel-manufacturing-sustainability-ranking/

Preserving this Riparian Oak Woodland and Wildlife Corridor along San Lorenzo Creek Watershed is essential to protecting against biodiversity loss, climate change, flooding, air and water pollution, etc. Adding ~109 parking spaces and removing 90% of trees adds a significant amount of greenhouse gases. When trees are removed or die, the carbon stored in their canopies is released back into the air. Section 3.14 of the EIR in the CV General Plan (http://www.acgov.org/cda/planning/generalplans/documents/3-

14_Climate_Change_1Nov2011forStaff.pdfhttp://www.acgov.org/cda/planning/generalplans/documents/314_Climate_Change_1Nov2011forStaff.pdf) discusses goals regarding the effects of climate change. It states the following: "While all of these impacts may be felt to some extent in the Bay Area generally and Castro Valley specifically, of particular concern are high temperatures and the negative impacts on air quality, and water quality and water supply issues. Recent studies indicate that hot days correlate with poor air quality days, and air pollution is contributing to more annual deaths and cases of respiratory illness and asthma (Jacobson, 2008). In other areas of the Bay Area, sea level rise and the resulting potential for intermittent flooding and gradual inundation is a concern that must be addressed." This project is inconsistent with the goals of the General Plan and the goals of the United States of America. The peer-reviewed article titled, *Identifying riparian climate corridors to inform climate adaptation planning*, from US National Library of Medicine National Institutes of Health (https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6235256/) states, "Riparian habitats have been frequently identified as priority areas for conservation under climate change because they span climatic gradients and have cool, moist microclimates relative to surrounding areas."

Everyone deserves access to nature and its physical and mental health benefits. I understand that it can be difficult to balance environmental protections with economic growth. It is no question that there is a lack of affordable housing in the local area, despite the appearance of various housing units for lease (including apartments on Grove Way). Members of the community should not pay the consequence for the problems caused by Caltrans or anyone else. It has been proven that profit has been placed over the needs of the people and the natural environment, as evidenced by a significant deficit in the amount of open space in the neighborhood (in reference to Quimby Act standards), neglect of previously livable homes in areas that have now been parceled out and sold privately, and a proposed hotel in an area more suitable for the Ruby Street Project proposed by Eden Housing. Better planning is needed for route 238 corridor lands. For example, there needs to be completion of an Environmental Impact Report (EIR) and designation of a more suitable location for this proposed project.

Sincerely,

Marlina R. Selva

Marlina R. Selva, Psy.D.
A Friend of San Lorenzo Creek
Member of Ohlone Audubon Society

Flemming, Michael, CDA

From: Matthew Indimine <Matthew.Indimine@edenhousing.org>
Sent: Thursday, November 21, 2019 4:49 PM
To: Sophia DeWitt
Cc: Chauhan, Nisha, CDA
Subject: RE: Ruby Street Endorsement

Hi Sophia,

My apologies- could you please address the letter to Nisha Chauhan (Nisha.chauhan@acgov.org)? Thank you!

Best,
Matt

Matthew Indimine | Communications and Advocacy Manager
Eden Housing | 22645 Grand Street, Hayward, CA 94541
510-247-8144 **Office**
Matthew.Indimine@edenhousing.org | www.edenhousing.org

From: Matthew Indimine <Matthew.Indimine@edenhousing.org>
Sent: Thursday, November 21, 2019 4:39 PM
To: Sophia DeWitt <sophia@ebho.org>
Subject: Ruby Street Endorsement

Hi Sophia,

Attached is the letter of support from Greenbelt. Could you please address the letter to Marc Crawford (MAC Chair)? To reiterate some of the key points:

Alameda County's CEQA review of Eden's Ruby Street project was thorough and comprehensive. It is clear that this proposed development will have no adverse impacts to the community. In fact, this development will have a positive impact. Not only will it provide much-needed affordable housing to the community, but it will also create public access to parkland and the San Lorenzo Creek Trail.

Thank you so much again!

Best,
Matt

Matthew Indimine | Communications and Advocacy Manager
Eden Housing | 22645 Grand Street, Hayward, CA 94541
510-247-8144 **Office** |
Matthew.Indimine@edenhousing.org | www.edenhousing.org

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Flemming, Michael, CDA

From: Meg-Monique Roe <Meg-Monique.Roe@edenhousing.org>
Sent: Wednesday, November 20, 2019 8:09 AM
To: Chauhan, Nisha, CDA
Subject: CEQA Review of Eden Housing's Ruby Street Project

Dear Nisha,

Alameda County's CEQA review of Eden Housing's Ruby Street project was thorough and comprehensive. It is clear that this proposed project development will have no adverse impacts to the community. In fact, Eden Housing's development will have a positive community impact. Not only will it provide much-needed affordable housing to the community, but it will also create public access to parkland and the San Lorenzo Creek Trail.

I have a personal connection to this as my brother Sean was homeless for 20 years. He is a veteran, mentally ill and approaching hi senior years, and without the type of housing this project will provide (he lives in Santa Rosa in similar housing) he would be in a very difficult situation . Please consider this as the right and the smart thing to do.

Best,

Meg

Meg-Monique Roe | Chief of Strategy and Capability
Eden Housing | 22645 Grand Street, Hayward, CA 94541
510-247-8133 **Office**
Meg-Monique.Roe@edenhousing.org | www.edenhousing.org

The mission of Eden Housing is to build and maintain high-quality, well-managed, service-enhanced affordable housing communities that meet the needs of lower income families, seniors and persons with disabilities.

ALAMEDA COUNTY PARKS, RECREATION AND HISTORICAL COMMISSION

224 West Winton Ave., Room 111 · Hayward, California 94544-1215 · phone 510.670.5400 · www.acgov.org/cda

February 10, 2020

Castro Valley Municipal Advisory Council
224 West Winton Avenue, #111
Hayward, CA 94544

Subject: Alameda County Parks, Recreation and Historical Commission Comments on the September 2019 CEQA Analysis of Eden Housing's Proposed Ruby Street Project

Dear Councilmembers:

The Parks Recreation and Historical Commission (Commission) is charged with advising the Board of Supervisors regarding the oversight and preservation of parks, recreation, and historic resources in unincorporated Alameda County.

The Commission has witnessed multiple public testimonies objecting to the proposed Ruby Street Apartments Project (Project) because of the potential cumulative and negative impacts on the biological, historic and cultural resources at Ruby Meadow and San Lorenzo Creek.

After reviewing public testimony, letters in opposition, planning and environmental documents, the Commission believes the Environmental Checklist for Community Plan Exemption, September, 2019 (CEQA Analysis) does not adequately analyze or address the potential project-specific environmental effects of implementing the proposed Project. Furthermore, the CEQA Community Plan Exemption (Exemption) focuses on "requirements for development" such as policy and zoning decisions made in the Castro Valley General Plan, March 2012 (CVGP), and may dismiss potentially negative and cumulative impacts, including policies and requirements required to protect the habitat.

The Commission agrees low income housing is a priority need in Alameda County and that the development helps meet County low income housing goals; however, alternative housing options exist on currently available Route 238 and urban parcels that do not threaten valuable and scarce environmental and historic resources in the unincorporated County.

This letter summarizes why the proposed development deserves further examination. A detailed biological analysis is referenced in the Friends of San Lorenzo Creek's (FSLC) November 24, 2019 letter to the Planning Department.

Biological Resources:

Ruby Meadow is a unique riparian and wildlife corridor of San Lorenzo, Castro Valley and San Lorenzo Creeks. The meadow is the largest remaining natural site along this portion of San Lorenzo Creek. The larger portion of the site is identified in figure 7-2 of the CVGP as "a high priority area within the biological resources overlay zone." (CEQA Analysis, Page 44) and therefore merits protection.

A General Plan is a broad planning guideline to a city's or county's future development goals and provides policy statements to achieve those development goals. The CVGP offers broad

administrative policies for habitat protection but cannot predict significant effects of a future site-specific plan. The 2007 Environmental Impact Report (EIR) certified for the General Plan is outdated and does not reflect current baseline conditions for Ruby Meadow wildlife and habitat that are likely to have changed over thirteen years.

The Exemption states projects consistent with the development density stablished by existing zoning, community plan or general plan policies for which an EIR was certified shall not require additional environmental review, **"except as might be necessary to examine whether there are project specific significant effects which are peculiar to the project or its site." (State CEQA Guidelines, Section 15183)**

The Ruby Street CEQA Exemption document references the findings in the 2007 EIR as the basis for applying this exemption; however, the EIR specifically identifies that its analysis does not examine the effects of potential site-specific projects that may be undertaken to implement this program in the future.

In fact, this EIR assumes that specific development projects will require independent and more detailed environmental assessment to meet CEQA requirements. "Because many of the proposed policies are intended to be general, with details to be specified during implementation, many of the EIR impacts can only be described in general or qualitative terms." (EIR Section 1.3)

The Commission believes that reliance upon the environmental effects of policy and land-use decisions do not constitute an adequate analysis of the Project-specific impacts that could result with implementation of this Project.

Special Status and Protected Animal Species:

The shelf life for California Department of Fish and Wildlife surveys are 3-5 years. Moreover, if a protected species or suitable habitat for a protected species exists at the site, or in range of that species or habitat, the lead agency pursuant to the California Endangered Species Act (CESA) must request concurrence from CDFW that the project would not result in take of state-listed or federally-listed (if applicable) species.

Western Red Bat. The CEQA consultant did not do bat monitoring. However, the Western Red Bat and two other bat species were recently discovered at Ruby Meadow by a bat expert from CSU Monterey Bay who did sonic bat monitoring at the site. The expert also noted Ruby Meadow provides the kind of habitat that supports the bats' roosting and foraging. (Bethany Schulze Letter, November 25, 2019, attached)

Western Red Bats are a California species of Special Concern which would trigger action and protection under the CESA. **The project proposes to reduce the width of the San Lorenzo Creek oak riparian and wildlife corridor to 105-120 feet which is significantly less than the 164 feet that would support the roosting and foraging habitat for these bats**. (FSLC letter, pages 14 & 15)

California red –legged frog, steelhead, western pond turtle, white tailed kite, tri colored blackbird, loggerhead shrike, western mastiff bat and pallid bat all have potential to occur on or in the vicinity of the site.

The CEQA Analysis regarding each of the above species is very general and vague. The CEQA Analysis contends any of the above species could and may occur in San Lorenzo Creek and Ruby Meadow and that the site may provide suitable habitat.

For example, The CEQA Analysis states "The Central California Coast Distinct Population Segment of steelhead is known to occur in San Lorenzo Creek. The site is passage habitat and may support potential rearing habitat for juvenile steelhead" … The report then qualifies that high water temperatures "could limit suitability of rearing habit for juvenile steelhead. (CEQA Analysis, pg 46)

Native and Heritage Trees

Ninety percent of trees on the site (87 trees) would be demolished by development. Forty five percent of these trees are native, and 37 of the native trees are planned for removal. Many have diameters two feet or larger and would be considered heritage trees. The consultants showed limited tree data on the plans and did not summarize the data so it could be assessed.
(FSLC letter, pages,15-18)

Creek Setback

The plans show non-compliant "development", grading, fencing, and or retaining walls covering over 60% of the minimum creek setback and conservation/mitigation areas. These developments must be removed from the setback. (FSLC letter, page 3)

Open Space and Trails

The site is the combined route for the San Lorenzo Creek Trail and the Hayward Foothill Trail. Although the trail is a public amenity, it is a "development" whose route is along and into the minimum creek setback boundary and will cause loss of oak riparian woodland and wildlife corridor.

Cultural and Historical Resources (Native American Artifacts)

The San Lorenzo Creek was an early documented resource that provided a favorable environment with riparian and inland resources as well as bay waters within close proximity. The Ruby Meadow area was within the territory of the Chochenyo tribe of the greater known Ohlone. Historic accounts reveal that they maintained temporary camps along the San Lorenzo Creek with seasonal migration along the creek to the entrance of the Dublin Canyon area. Documented sites along San Lorenzo Creek consist of Habitation sites, Workshop and Milling sites with bedrock mortars, Quarries and Burial sites. Within 30 feet of Ruby Meadow, exists CA-ALA-566, a limited use campsite in East Bay Settlement Patterns (Blake & Kimsey SCA Proceedings, 2017) which was first identified by Caltrans archaeologists in 1997. In 2015, work was conducted in preparation of the sale of the parcels. Radiocarbon dating defined components consisting of 11 dates of cultural material recovered from the site. The site was occupied in two primary periods: Early period, approximately 2100 – 600 B.C., and a Late period of 750 – 1520 A.D. This late period consists of a seasonally used campsite with earthen ovens and dietary refuse.

Per the Castro Valley General Plan 2012, Cultural Resources Policies, Policy 5.2-1, Preserve Designated Historic Sites, "Protect and preserve Federal and State-designated historic sites, structures, and properties that are deemed eligible for designation to the maximum extant feasible…". As well as, Cultural resources Actions, Action 5.6-2, Historic and Cultural Resource Regulations, "Adopt regulations to protect and preserve historic and local cultural resources in the Castro Valley Planning Area…Historic Resources that qualify for Federal or State designation". CA-ALA-566 is cited by the Alameda County Community Development Agency as "a National Register of Historic Places-eligible precontact archaeological site" in immediate proximity of Ruby Meadow. (AB52 letter 10/29/2018).

Although the AB52 Consultation Letter which provided 30 days for response was not replied to, the six letters that were mailed did not include the Muwekma Ohlone, which is formed by all the known surviving Native American lineages inclusion.

Historical Sites

Public testimony also references the Haywards Steam Laundry, formerly located on the site. The laundry opened in 1892 and was considered the first "white laundry" in the area. The laundry was in business for over 50 years. Newspaper clippings provided in public testimony by Sandy Frost indicate the laundry was an important business and community resource. Although the buildings no longer exist, we believe it is appropriate to locate a plaque at the site to acknowledge its significant history.

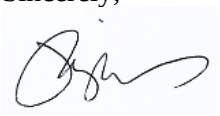
The Anza Trail and Anza Camp 98 have been located approximately 0.6 miles southwest and 0.85 miles southeast of the project site. The diary of Pedro Font, who traveled with the Anza Party, indicates he visited many Indian sites in the vicinity of Ruby Meadow. The CEQA Analysis summarizes that although there are few instances of similar expedition deposits surviving to this day, they…."would likely qualify as historical or unique Archaeological resources under PRHC Sections 21084.1 or 21083.2". (CEQA Analysis, page 60)

Conclusion

The Commission contends the Ruby Street Apartments Project Environmental Checklist for Community Plan Exemption relies solely on references to the environmental analyses and findings of adopting policy and land-use decisions pursuant to the 2007 CVGP EIR. The EIR is outdated and does not adequately reflect the environmental impacts that could result upon implementation of this Project. The CEQA analysis does not consider or thoroughly examine how the site specific project could cumulatively and negatively impact valuable biological, historical and cultural resources at Ruby Meadow and San Lorenzo Creek.

The PRHC Commissioners are not environmental or legal experts. However, our reading of the information presented is that there are sufficient and valid public concerns that should be addressed prior to, not during, the implementation of this project. We therefore request that the County conduct a thorough assessment (Environmental Impact Report) to provide a current objective analysis that addresses public concerns regarding the preservation of sensitive resources in and around the Ruby Meadow Project Site.

Sincerely,



Piper McKnight, Chair
Alameda County Parks, Recreation and Historic Commission

Attachment: Letter from Bethany Schulze, November 25, 2019

Cc: Nisha Chauhan, Senior Planner, Alameda County Planning Department
Ellen Morris, Eden Housing Project Manager

Flemming, Michael, CDA

From: Hd02mona <Hd02mona@comcast.net>
Sent: Monday, November 25, 2019 5:16 PM
To: Chauhan, Nisha, CDA
Cc: hd02mona@icloud.com
Subject: Ruby Meadow Meeting notes 11/25

Good Evening,
This is my public comment for this evening.
Ruby Meadow Meeting notes 11/25

My name is Ramona Confer, lifelong resident of Hayward and Castro Valley .
Is this the legacy that you want to leave to our future generations?
Mass destruction of beautiful habitats, lack of birds, insects, wildlife, trees, flowers ?
This is gentrification, the hideous so called affordable dense housing. What a joke for the developers and city councils, MAC and most notably Eden Housing to make even more money.
There is total disregard of the environmental impact that the proposed development will have. The developer has been exempt from completing a full environmental impact report.
This must be what you all want as you can only see developments instead of the beauty of what is there and can be improved on.
To be destroyed just so that in the future when the economy and world changes again , what we have now will be what is longed for .
Then the destruction of what you are planning now, will happen. Planning for parks, nature, a simpler life will begin . A full circle for our future generations to live happier and healthier than we can ever hope to be.
Thank you for listening .
Ramona Confer

Flemming, Michael, CDA

From: RENEE SUTTON <renees123@comcast.net>
Sent: Monday, November 25, 2019 4:33 PM
To: Chauhan, Nisha, CDA; Crawford, Marc, Castro Valley MAC; Adams, Dolly, Castro Valley MAC; Riche, Ted, Castro Valley MAC; Cunha, Sheila, Castro Valley MAC; Moore, Chuck, Castro Valley MAC; Carbone, Ken, Castro Valley MAC; Killebrew, Shannon, Castro Valley MAC
Subject: Ruby Meadow - CEQA Comments Cultural & Tribal Resources
Attachments: CV Forum 8-20-1997 (1).jpg; CV Forum 8-20-1997 (2).jpg; Cultural Res 4.4 Feb 2009.jpg; SF Ex 12-3-1978.jpg; Buckeye Article 2.jpg; Buckeye Article1.jpg; CA-ALA-566 Doc.pdf

The CEQA Cultural Resources D, on the CEQA checklist as well as N, Tribal Cultural Resources.

The CEQA states several times that “a Registered Professional Archeologist performed a records search at the NWIC, as well as a focused review of pertinent archeological, historical, and environmental publications. The archeologist also conducted pedestrian surveys”, but the document never identifies the archeologist or their credentials. I have to argue that a pedestrian survey is not indicative of what lies beneath nor adequate enough to base these conclusions and if in fact they researched pertinent archeological publications, they would have come to a different conclusion.

The CEQA goes on to state: “This background research determined that there are no recorded archeological resources in the project site. Archeological excavations conducted in 2014, as well as site surveys conducted for the project, did not identify deposits associated with P-01-001795/ CA-ALA-566”.

This is not a true statement. The ALA-566 dig uncovered numerous artifacts : “the presence of a well dated mid-holocene deposit is especially significant due to the rarity of such finds”. A 1997 newspaper article (which is referring to ALA-566 dig) confirms not only sites from 500-600 years old, but also a campsite estimated to be 5000 years old. The newspaper article and the ALA-566 document also refer to, two Native American grave sites being found in the late 1930’s.

In the CEQA, under N, Tribal Cultural Resources, it states that a list of tribes that have requested notification in the projects vicinity, were notified on behalf of the county to the tribes on the list. They also state that no responses were received within the statutory 30 day period of time. While we don’t doubt that this happened, if the notifications did not mention the burials, they may not be aware of the site’s significance.

Document attached 4.4 (from 2009 Route 238 Bypass Land Use Study) references P-01-001795 states “indicate the presence of one Native American archeological site within the Project area, this P01, a large former settlement that includes burials.

Ruby Meadow is 30 feet away from the ALA-566 dig, the bottom border of the dig was Crescent Ave. The Crescent Avenue driveway location and proposed paved parking lot with 71 spaces, may very well obscure the artifacts from future analysis, as some of them are quite deep and may not be located during construction. We contend that this is not a “might find remains” situation that there is definitely archeological evidence in Ruby Meadow.

The CEQA states “In most cases, archeological sites that are found to be significant (e.g. eligible for listing in the California Register) would qualify as “historical resources” under CEQA”. It stands to reason that Ruby Meadow would qualify as both a Cultural Resource as well as a Historical Resource.

As further evidence, The Ohlone were hunter gathers (see attached newspaper article from 1978), “During the harvest seasons, most of the tribe migrated from the main village site and set up camps near the coast for shellfish, by the rivers for salmon, near marshes for ducks and geese, in oak groves for acorns. See next attached article stating: In addition to acorns, the Ohlone gathered and roasted a number of different plant seeds, and ate the nuts of the buckeye tree. The ALA-566 document quotes “riparian vegetation remains in the creek channels and numerous oak, bay, pine and redwood trees are present”. Because the Creekside location, with a flat plateau, is typical landscape where Ohlone performed daily functions like harvesting food, preparing food, health and cleanliness activities, and religious ceremonies it stands to reason that even closer to the creek was also part of their camps during the harvest season, which is the Ruby Meadow area.

The CEQA Conclusion for both D, Cultural Resources and N, Tribal Cultural Resources are listed as less than significant, which we find inadequate and feel that this project deserves a full EIR review. These impacts were not analyzed as significant in the EIR, but they are significant because of site specific conditions including the adjacent ALA-566 site. A valuable Ohlone resource will be obscured or removed, which negates any future value as a teaching resource, impact on the Ohlone people, as a local history and cultural resource, not to mention a resource for the local residents. The Quimby Act does call for open spaces per capita and it appears that Castro Valley is deficient in this area.

We are not opposed to low income housing, we are not opposed to housing in general. We are well aware of the housing crisis that every county in the Bay Area is facing. However, there seem to be other alternatives for Eden Housing nearby (parcel 8 or parcel 9 comes to mind), with low cultural, historical, biological and community impact. This is the last open space next to the creek that exists. It seems counter intuitive to take this pristine woodland meadow which currently houses a rich wildlife habitat in the heart of the hustle and bustle of our area and develop it, when in fact that are alternatives that would not disrupt this area.

Thank you

Vol. 9 No. 23 PUBLISHED WEEKLY

Castro Valley Form Aug 20-26-1997

Ancient Campsite Found in Freeway's Path

by Deborah Crowe

A archeological team commissioned by Caltrans has unearthed a rare Native American campsite near the Hayward Little Theater that is estimated to be more than 5,000 years old.

The team also found some relatively younger sites – between 500 to 600 years old — where the San Lorenzo, Castro Valley and Little Castro Valley creeks come together.

"It doesn't look like a major village that was used all year long," said Glenn Gmoser, an archeologist and associate environmental planner for Caltrans. "It may have been a seasonal village or one used intermittently."

The archeologist concentrated their work in areas near where Caltrans wants to drive massive concrete footings into the ground to support the controversial Foothill Freeway as it passes over the theater parking lot and adjacent Japanese Botanical Gardens.

The archeological survey along the Castro Valley-Hayward border is part of the environmental review Caltrans must complete before the project can proceed.

While Gmoser considers the site "significant" from an archeologist's point of view, the discoveries by themselves are unlikely to stop or slow down construction of the bypass.

Project planners, however, will have to propose some mitigation measures to be reviewed by the State Office of Historical Preservation.

"It's possible to protect these sites if we know where they are." he said. Piles of grocery sacks and plastic bags in his cubicle are filled with hearth stones, broken mortars, seeds, husks and other remnants of ancient meals for he and others to study.

Photo - DEBORAH CROWE

Caltrans archeologist Glenn Gmoser holds a Native American cutting tool that has been dated at 5,000 years old.

"It may have been a seasonal village or one used intermittently."
— Glenn Gmoser

Photo - GLENN GMOSER

This pile of rocks is actually the remains of a Native American kitchen that's about 500 to 600 years old. The site has since been covered up to protect it.

The team confined their excavations to vacant lots and hillsides leading to the creeks. One cooking hearth was found under the garage of a recently demolished house.

Gmoser doesn't plan to do any further excavations in the area for the time being.

"We didn't want to be digging up peoples' back yards if we didn't have to since whether they will build the freeway is still an open proposition," Gmoser said.

Most of the finds appear to be 500 to 600 years old, including some cooking hearths with piles of stones nearby that apparently were heated and piled on top of food to cook it. Some seeds and husks found in the hearths are being analyzed to gain better insight on what people ate at that time. A laboratory was able to date each object through a variety of methods, such as carbon dating and comparison of the soil above and below where the item was found.

Among the oldest of the finds are a small sandstone mortar and a chopping tool made of a type of basalt.

Gmoser said he suspected the cooking utensils were special because they looked similar to 5,000-year-old artifacts he had unearthed around Scott's Valley about a year ago as Caltrans was pre-

Cont. on pg. 4: Ancient

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by Robert T
Kevin Oates

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ordinance because it will eventually save lives.

"It was really commendable for the board of supervisors to vote on this unanimously," Chen admitted. "It is an attempt (by the county) to make sure public policy is rational and addresses the top priority in health."

With the passage of the ordinance, the county is in compliance with new state laws which ban smoking in bowling alleys, pool halls, restaurants and will prohibit smoking in bars after January 1998. Some of the other provisions of the new law include:

- Requiring smokers to maintain a reasonable distance of 15-feet from all entryways, windows, and air intake systems to prevent second-hand smoke from affecting non-smokers.
- Mandating that 75 percents of all hotel rooms must be smoke free.
- Banning all cigarette vending machines.
- Completing a ban on distribution and provision of free tobacco samples and coupons.
- Prohibiting smoking in common areas of apartments, condominiums and senior citizen homes.

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Ancient Campsite Discovered in Path of Planned Foothill Freeway

Cont. from pg. 1

paring to earthquake retrofit a freeway interchange.

To get some perspective on how long ago these sites were in use, Gmoser points out that 9,000 to 10,000 years ago the San Francisco Bay was still a river valley created by post-Ice Age flooding.

The tribes who used the intersection of the creeks as a regular campsite likely were ancestors of the Ohlone Indians.

"What's interesting to me is the way the use of this site appears to have been the same despite the span of time between the sites," Gmoser said.

Ironically, the area around the Little Theater was not considered to be historically interesting when Caltrans had first conducted a surface survey of it about 10 years ago.

But Rita Hall, who lives near the theater and is an opponent of the bypass project, recalled the stories her husband told of his father finding two Indian grave sites in the 1930s when he was building a garage under his house.

She called Caltrans and told Gmoser that archeologists from California State University at Berkeley eventually took the remains away for study and the family heard nothing more about them. Gmoser says while he's found records of Hayward area discoveries dating from that period, he's been unable to pinpoint which might be from this neighborhood.

Gmoser says it's possible that the artifacts could be made available for public exhibition once his studies are

Gotta Home?

These pets are immediately available for adoption at the Fairmont Animal Shelter. Kit, left, is a 3-month-old female retriever with a shining personality. Kayla, right, is a loving 1-year-old female labrador mix. The Fairmont Animal Shelter is located at 2700 Fairmont Drive in San Leandro and is open daily from 11:30 a.m. to 5:30 p.m. Call the shelter at 667-7707.

4.4 CULTURAL RESOURCES

ENVIRONMENTAL ISSUES

This section of the EIR addresses potential impacts to historical, archeological, Native American and similar cultural resources.

ENVIRONMENTAL SETTING

Background

Before the arrival of Spanish explorers, Hayward and much of the surrounding region was occupied by a Native American group known as the Costanoan. These people lived along the coast and bays as well as the coastal valleys of central northern California. The coastal environment served as a major source for a variety of food and building materials. In the Hayward area, main Costanoan settlements were located where streams emerged from the hills on plains adjacent to the Bay, including the site of downtown Hayward.

Archeological evidence suggests that there has been sustained human use of the general area for at least 5,000 years.

A number of buildings and associated structures from the Victorian era and early 20th century remain, including within the downtown area. Hayward's agricultural and recreational past also manifests itself in the remaining grazing land, equestrian trails, community gardens and nurseries.

Cultural resource records search

As part of this Program EIR, the Northwest Information Center at Sonoma State University was contacted to identify recorded archeological, historical, Native American and other cultural resource sites.

Northwest Information Center records indicate the presence of one Native American archeological site within the Project area. This is P-01-001795, a large former settlement that includes burials. Given the size and number of properties included in the Project area and the presence of a number of intermittent and perennial creeks transecting the area, there is a high potential that other unrecorded Native American and/or cultural resource sites may exist within or adjacent to the area.

SITE ONE on N3 & one on Crescent Castro Valley

Standard measures are set forth in the Hayward General Plan and other City project procedures to protect buried archeological, historic and/or Native American resources should these be discovered during grading and construction activities. These measures require that if such resources are found, grading operations shall be halted and the resources are evaluated by a qualified professional. If necessary and based on recommendations of the professional, a detailed

During the harvest seasons, most of the tribe migrated from the main village site and set up camps near the coast for shellfish, by the rivers for salmon, near marshes for ducks and geese, in oak groves for

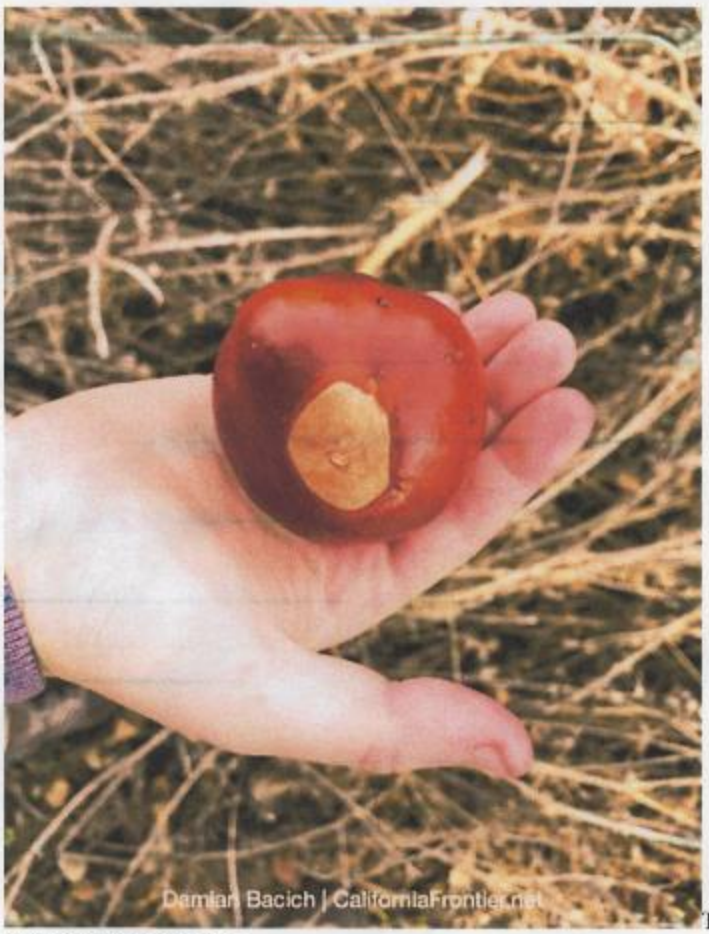
THIS LAND

acorns. As part-time migrants they traveled light. Unlike the wealth-minded Aztecs and Incas, they did not acquire burdensome possessions—another reason the conquistadores and gold-seekers looked on them with contempt.

In addition to acorns, the Ohlone gathered and roasted a number of different plant seeds, and ate the nuts of the buckeye tree. They also collected berries, roots (like soaproot, and those of the wild onion and cattail), as well as wild carrots. One of the ways the Ohlone kept the land fertile was by doing periodic burns. These burns would allow them to clear away underbrush and permit seeds to germinate.

Acorns were probably the most important food eaten by the Ohlone. They often used poles to knock the acorns loose from the oak trees. Once they had gathered enough acorns, they could grind them into a paste. Then they could either make a mush or a type of bread. Juan Crespí and Pedro Font, two Franciscan priests who accompanied Spanish explorers and wrote diaries of their expeditions, spoke of the Ohlone making "tamales" out of acorns.

One of the most important things about preparing acorns was to leech all of the bitterness out of them by soaking the paste in water. Otherwise the acorns could be very unpleasant to eat. Some of the soldiers of Gaspar de Portolá's expedition mentioned getting indigestion and even fever after eating acorns.



The Ohlone also ate the fruit of the buckeye tree.

CA-ALA-566: THE ROLE OF A LIMITED USE CAMPSITE IN EAST BAY SETTLEMENT PATTERNS

JENNIFER L. BLAKE
CALIFORNIA DEPARTMENT OF TRANSPORTATION

CHRIS KIMSEY
CALIFORNIA STATE PARKS

Recent excavations at CA-ALA-566 revealed an intermittently used campsite consisting of a late Holocene occupation and one of the few mid-Holocene components known in the San Francisco Bay Area thus far. This study focuses upon the late Holocene occupation and the role of ephemeral campsites in settlement patterns in the San Francisco East Bay. Examination of seasonality patterns at ALA-566 as compared to bayshore mounds in a framework of localized environmental shifts guide the analysis of settlement distribution throughout the East Bay and the changes thereof observed at the onset of the Late period.

The archaeological record of the San Francisco Bay Area is rich with densely settled village sites that have facilitated a better understanding of prehistoric California. These larger sites have been the focus of archaeological investigations for more than a century and consequently have had a large impact on understandings of past settlement systems. The important role played by small sites, such campsite or processing locales, has also been recognized by archaeologists for many years. However, these sites are more difficult to identify, and are rarely the subject of large scale of data recovery excavations. Recent data recovery excavations at CA-ALA-566 (hereafter referred to as ALA-566), obtained macrobotanical samples from a short-term campsite, which provides an opportunity to examine the role such sites played in the regional settlement system through time.

A notable variation in settlement pattern started from the latter phases of the Middle period (200 B.C.–A.D. 1265 [Dating Scheme D: Groza et al. 2011]) and continued into the Late period. The East Bay shoreline was characterized in the Middle period by the proliferation and sustainment of dense shell mounds and villages. In the East Bay Hills, on the other side of the large alluvial plain that comprises most of the East Bay, evidence of prehistoric occupation is noted by several bedrock mortar sites. This is particularly true throughout the Dublin Canyon, which is the conduit from the bayshore and plain to the eastern interior valleys (which have also been densely settled). Compared to the well-recorded bayshore and interior, the archaeological picture of the East Bay plain is sparse, despite numerous water sources and abundant riparian corridors well-suited to support human settlement.

Studies of seasonality of site occupation are consistently contributing to the understanding of population movements including the variables that compelled such seasonality. The late Holocene occupation at ALA-566 is dated to the onset of the Medieval Climatic Anomaly (MCA), a time of intermittent severe droughts spanning from approximately A.D. 800 to 1350. Ecological studies demonstrate increased salinity throughout the bay/estuary during the MCA (Ingram and Malamud-Roam 2013), while dietary changes, metabolic stress, and increases in interpersonal violence have been observed in human skeletal remains from this period (Pilloud 2006; Schwitalla and Jones 2012). The role of ALA-566 in the landscape is considered within this climatic framework.

THE SITE: CA-ALA-566

Site Background

Located at the border of Castro Valley and Hayward in the San Francisco East Bay (Figure 1), ALA-566 was first identified in 1997 by Caltrans archaeologists during environmental compliance work

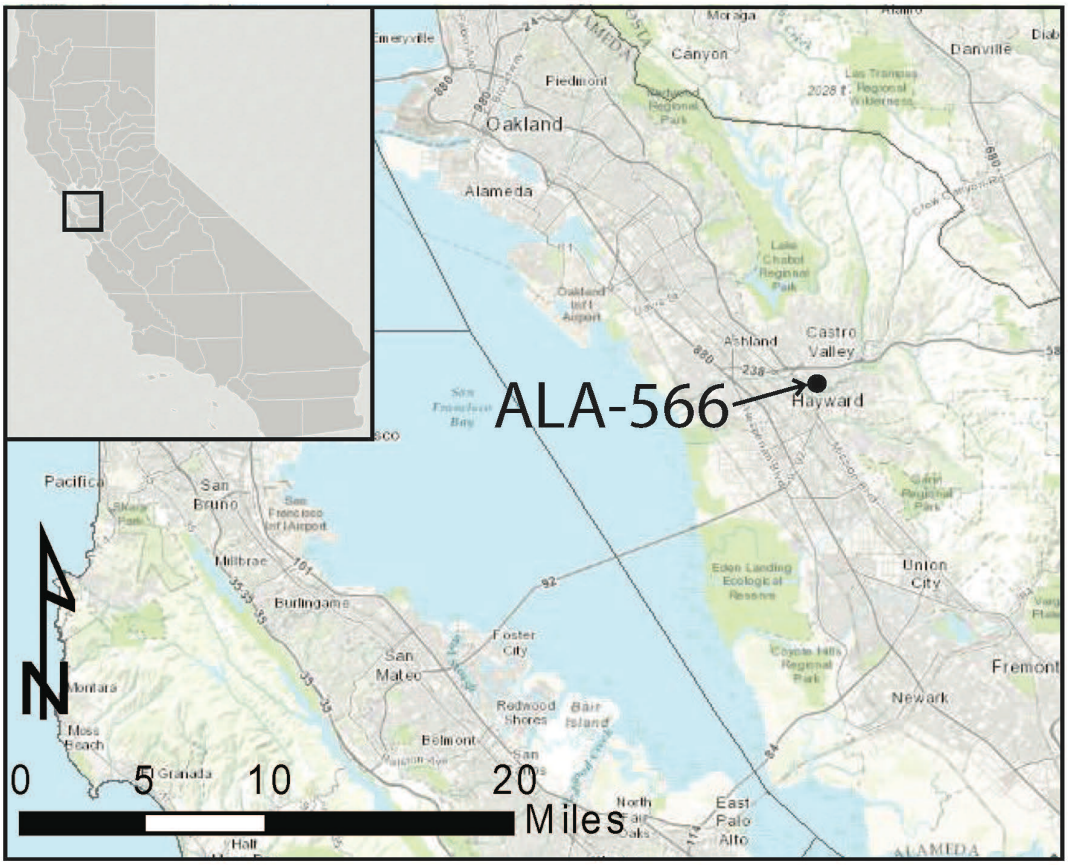


Figure 1. Vicinity and Location of ALA-566.

for a proposed bypass project (Gmoser 1998). In 2015, data recovery was conducted at the site by Caltrans and Garcia and Associates in preparation for sale of the parcels previously acquired for the bypass project. Radiocarbon dating to define temporal components at ALA-566 consisted of 11 dates run on cultural material recovered from the site (Table 1). This revealed that the site was occupied in two primary pulses: a deeply buried Middle Holocene (Early period, ~2100-600 B.C.) occupation and a Late Holocene occupation ranging from Phase 4 of the Middle period (MP4) to Phase 1 of the Late period (LP1) (A.D. 750-1520), with a hiatus of approximately 4,000 years. The following discussion will focus on the late Holocene occupation.

The late Holocene occupation of ALA-566 consists of an intermittently used campsite represented by several thermal features and a sparse deposit of dietary refuse and lithic manufacture debris. The thermal features are constructed of layers of fire-affected rock (FAR) and conform to the descriptions of earthen ovens in the thermal feature typology developed by Thoms (2008, 2009) and Black and Thoms (2014). These earthen ovens, built for slow and lengthy cooking, and ideally sized to feed only a few individuals suggest that the site was inhabited by small groups for brief periods of time. The lithic tool kit was comprised primarily of expediently produced core and flake tools made of locally available materials. The paucity of faunal remains speaks also to the intermittent nature of site use.

The Macrobotanical Sample

The macrobotanical assemblage was by far the most productive dataset obtained from ALA-566. Though few artifacts were recovered from feature contexts, charred plant remains were abundant and provided the basis upon which to build assumptions of seasonality of occupation and the nature of site

Table 1. Cultural Radiocarbon Dates from ALA-566.

Study Year, Provenience	Type of Sample	14C Years BP	Years Error	Lower Cal BP	Median Cal BP	Upper Cal BP	Lab No.
1997, Trench 8, Feature 1	Charcoal	570	50	576	595	653	Beta-104861
1997, Trench 8-11-2, Feature X	Charcoal	950	70	725	854	979	Beta-108520
2015, Feature 5	Charcoal	1010	27	904	933	971	D-AMS 011107
2015, Feature 3c	Charcoal	1051	25	925	955	990	D-AMS 011106
2015 Feature 3b	Charcoal	1086	24	936	990	1011	D-AMS 011105
2015, Feature 3a	Charcoal	1147	24	978	1052	1095	D-AMS 011104
2015, Feature 4	Charcoal	1166	21	1051	1096	1176	D-AMS 011109
2015, Feature 5	Bone	1200	28	1057	1126	1184	D-AMS 011805
1997, Unit A-2	Charcoal	4433	32	4877	5026	5072	D-AMS 012637
2015, CU-15	Bone	4446	27	4960	5056	5082	D-AMS 011807
1997, Unit A-2	Bone	4530	50	5038	5165	5319	Beta-106702

use. Macrobotanical remains were analyzed by Dr. Eric Wohlgemuth and Angela Arpaia of Far Western Anthropological Research Group, Inc. (Wohlgemuth and Arpaia 2017). In general, the macrobotanical assemblage illustrated that, while the gathering and processing of nuts was the primary use of plant resources, plant use changed through time, particularly on a seasonal scale, which in implies transient site occupation wherein storage of foodstuffs was not practiced.

The MP4 was the time of the most diverse plant usage and of high reliance upon small seeds in proportion to nuts. This period was also the site's most active, as indicated by the greatest number of features. The MP4 plant assemblage was marked by the highest ubiquity (percentage of flotation samples in which a taxon is found vs. all samples) and diversity of small seeds and a broad range of nuts including acorn, buckeye, and hazel (Tables 2 and 3). Spring and fall appear to have been the dominant occupational seasons during the MP4. A shift is seen in the Middle-Late Transition (MLT) (A.D. 1096) assemblage, with less emphasis on spring-ripening plants and heightened use of summer small seeds and fall nuts. By the LP1, the wide range of nuts gave way to a focus on hazel and a predominantly summer occupation. The broader pattern demonstrated by the macrobotanical assemblage reveals a direct relationship between the intensity of site occupation and plant use: macrobotanical density and diversity is higher during greater occupation intensity, and lower during low occupational intensity.

ALA-566 in Regional Context

Resource intensification is evident between the MP4-LP1 periods in the East Bay, in part represented by an increase in small seed exploitation (Wohlgemuth 1996; Wohlgemuth et al. 2017). After prolific plant use in throughout the Early period, plant use in shell mounds declined around 850 B.C., followed by another surge around 950 A.D. (Wohlgemuth and Arpaia 2017). Conversely, there is no increase in plant use intensification in interior East Bay sites, likely owing to the ease of access and year-round availability of shellfish (Wohlgemuth 2004). Intensity of occupation and diversity of plant use ALA-566 are at their apices during the MP4 rise in plant use at the shell mounds. The increase in small seed exploitation at ALA-566 during the late Holocene is similar to with what is consistently observed in interior East Bay and South Bay shore sites datasets.

Table 2. Macrobotanical Samples and Counts from ALA-566.

Time Period	Analyzed Samples	Liters of Sediment	Number of Identified Specimens				
			Nutshell		Small Seeds		Soaproot
			Dietary	Non-dietary	Genus	Family	Genus
Late Period Phase 1	1	16.2	65	1	49	84	nd
Middle/Late Transition	2	26.3	472	5	195	344	17
Middle Period Phase 4	6	85.2	659	11	454	1,118	53
Early Period	12	142.9	89	35	13	25	55
Total Archaeological	21	270.6	1,285	52	711	1,571	125

Note: nd - data not available.

Table 3. Macrobotanical Ubiquity by Time Period.

Taxon	Common Name	Early Period	Middle Period Phase 4	Late Holocene
Nuts				
Aesculus californica	Buckeye	66.7%	100.0%	88.9%
Corylus cornuta var. *californica*	Hazel	91.7%	83.3%	88.9%
Quercus spp.	Acorn	83.3%	100.0%	100.0%
Umbellularia californica	Bay	41.7%	100.0%	100.0%
***Marah* spp.**	Wild cucumber	66.7%	83.3%	88.9%
Small Seeds				
Amsinckia spp.	Fiddleneck	16.7%	100.0%	66.7%
Calandrinia spp.	Red maids	16.7%	16.7%	11.1%
Chenopodium spp.	Goosefoot	33.3%	100.0%	100.0%
Clarkia spp.	Farewell to spring	-	83.3%	88.9%
Datura spp.	Jimsonweed	-	83.3%	55.6%
Deschampsia spp.	Hairgrass	-	83.3%	77.8%
Galium spp.	Bedstraw	-	83.3%	88.9%
Trifolium spp.	Clover	-	83.3%	88.9%
Vulpia spp.	Fescue	-	100.0%	100.0%
All Identified to Genus		50.0%	100.0%	100.0%
All Identified to Family		75.0%	100.0%	100.0%
Roots				
Chlorogalum spp.	Soaproot	58.3%	83.3%	77.8%

SEASONALITY IN THE EAST BAY LANDSCAPE

Seasonality data helps us understand how populations moved around between and within landscapes. Diachronic fluctuations in the types and frequencies of utilized plants can be corroborated with paleoenvironmental conditions, intersite and intrasite changes in subsistence and technology, and other variables to elucidate relationships between sites and site types across the landscape. At a site, such as ALA-566, where there is a general dearth of faunal remains, macrobotanical data was extraordinarily valuable in reconstructing the timing of occupation.

While macrobotanical data is the most commonly used indicator of seasonality, geochemical analysis of shellfish remains also provide valuable insights (Eerkens et al. 2013, 2014; Finstad et al. 2013; Schweikhardt et al. 2011). The current body of research primarily concerns shell mound sites, of which the seasonality of occupation is essential to the current discussion of the role of ALA-566 in East Bay settlement patterns. Month-at-death studies of *Macoma nasuta* shells recovered from Late period CA-CCO-297 indicate peak clamming times during early summer and early winter (Eerkens et al. 2014). Similar peak clamming times were observed at Middle period CA-ALA-17 (Culleton et al. 2009). Late period components of sites in the Richmond locale, CA-CCO-295 and CA-CCO-290, exhibited peak times of mussel-gathering primarily in the late spring, summer, and fall (Finstad et al. 2013).

It is evident from the aforementioned studies that peaks in shellfish gathering activities occurred in East Bay shell mounds in the summer, fall, and early winter, but only occasionally in the spring. In contrast, seasonality of occupation during the MP4 component of ALA-566 alternates with the shellfish-derived seasonality data of East Bay shell mounds, with peak occupation occurring during the spring and fall (although fall was a prime mussel-gathering season in the Richmond locale). By the LP1, seasonality of ALA-566 begins to converge with that of the shell mounds, with an emphasis on summer occupation and retention of some fall and spring use. Table 4 summarizes seasonality at ALA-566.

More seasonality data is needed from MP4-MLT shell mound contexts to make interpretations with confidence; but if the seasonality of shellfish gathering during earlier periods was similar to that seen in the Late period, alternating seasonality between ALA-566 and the bayshore during the MP4 may indicate a particular schedule for plant and shellfish gathering rounds and, more to the point, a definitive relationship between bayshore populations and those utilizing ALA-566. Eerkens et al. (2013) observed a similar pattern of alternating seasonality between Late period sites CA-SFR-171 and CA-SMA-6, respectively a shell midden and an ephemeral campsite along the western bayshore; as shellfish gathering declined at one site, it accelerated at the other. The subsequent convergence of seasonality patterns between ALA-566 and the bayshore, particularly in light of the pattern that emerges along the San Lorenzo Creek drainage in the late Middle period through the LP1, suggests a change in this relationship.

ENVIRONMENTAL CATALYSTS FOR CHANGE

The spectrum of rapidly changing climatic conditions throughout the Holocene undoubtedly influenced prehistoric adaptation trajectories. It will be useful to remember throughout this discussion the admonishment of prehistoric archaeologists David Meltzer and Ofer Bar-Yosef (2012:219):

> in order to forge viable links between specific climatic and cultural changes…. We must carefully assess at a scale-appropriate level the ecological and climatic conditions specific to a place and time that *could* have had a real-time impact on contemporary groups if climatic changes were happening fast enough that they would have been detectable to humans over the course of just several generations.

Fluctuations in shoreline environs may have been detectable at a generational level, but adaptations to these changes are likely not detectable in the archaeological remains until and unless the adaptation is adopted and applied over long periods of time. The short-term experimental excursions are likely not reflected at all. Examination of ALA-566 and other sites like it in the context of the timing and the nature of environmental fluctuations may aid in the capture of these small-scale adaptations.

Table 4. Nutshell and Small Seed Seasonality by Time Period, ALA-566.

Macrofloral Remains	Early Period	Middle Period Phase 4	Middle/Late Transition	Late Period Phase 1
Nutshell				
Late Summer	72.4%	15.5%	44.3%	78.5%
Fall	27.6%	84.5%	55.7%	21.5%
Small Seeds				
Spring	46.2%	71.6%	37.9%	32.7%
Summer	53.8%	28.4%	62.1%	67.3%

The inception of marshlands along the central eastern bayshore occurred circa 1050 B.C. (Atwater and Hedel 1976; Watson and Byrne 2013). After approximately 850 B.C., a de-emphasis in plant foods in some bayshore sites is evident, likely a response to the ample supply of marshland shellfish (Wohlgemuth 2014; Wohlgemuth and Arpaia 2017). The West Berkeley shell mound is an example of what may be the direct effect of environmental changes upon subsistence obligations. Studies from this site demonstrated a reliance upon oysters, which favor gravel beds, in the first (earlier) half of the mound's strata, and shifting to clams, which prefer mud flats, in the latter half, a sequence possibly corresponding to Holocene depositional events observed in geoarchaeological studies (Greengo 1975; Dore et al. 2004).

While perhaps not an environmental condition in itself, seismic activity has the potential to influence local environs. Frequent seismic events, experienced by Bay Area residents today, were certainly familiar to native populations. Marsh dynamics may have been influenced by fault activity through the phenomenon of tectonic subsidence, wherein seismic activity lowers the elevation of a landform (Guilbault et al. 1995). Bay Area Holocene salt marshes have undergone an estimated five meters of subsidence throughout the past 6,000 years (Atwater et al. 1977). Examples along the California coast suggest that sudden subsidence events do occur, and may be immediately noticeable in marsh inundation levels (Atwater et al. 1977; Orr et al. 2003; Preuss and Hebenstreit 1996).

Late Holocene reoccupation of ALA-566 around A.D. 824 coincided with the onset of the MCA. The unstable conditions created intermittent drought and flood conditions that likely made sedentary villages and resource-procurement routines less reliable. In times of drought, heightened salinity effected by the drying of freshwater drainages probably affected bayshore and marsh shellfish and floral stands enough to destabilize local supplies. This may have led larger village clusters to distribute foraging efforts further from home to a) exploit less conveniently located resource stands and b) appeal to trading partners more often for supplementary resource items. During the Middle period in the East Bay, acorns figured most prominently in subsistence strategies alongside a general decline in the use of other plant foods (Wohlgemuth 1996, 2004). The plant assemblage at ALA-566 during the MP4 and MLT demonstrates an increase in the use of small seeds, but not at the expense of nuts, indicating that the introduction of new food exploitation strategies did not replace old ones. This observation reflects the widespread small seed intensification seen in the Late Period East Bay and evidence of early adaptation to the onset of the MCA by way of resource diversification and intensification, possibly in response to acute marsh fluctuations.

LATE MOVEMENT INLAND

ALA-566 appears to be associated with a previously hypothesized East Bay movement inland, although whether it was tied to the bayshore settlements or part of an independent expansion is unclear. The aforementioned studies by Eerkens et al. (2013, 2014) support a "fission-fusion" pattern of population distribution wherein populations dispersed during particular seasons and reassembled

afterward. Similarly, Finstad et al. (2013) argue against a pattern of short-term sedentism amongst mounds in the Richmond locale, instead suggesting concurrent occupation of mounds with smaller groups striking out to satellite mounds for gathering excursions. Populations appear to "retreat" upward along freshwater drainages in the Late period, as seen in the Richmond locality, abandoning some larger mounds during the LP1 (Lightfoot and Luby 2002).

The diachronic change in seasonal focus at ALA-566 may be evidence of a movement up the San Lorenzo Creek drainage that may have begun in the latter half of the Middle period. CA-ALA-586 is a shell midden site situated along San Lorenzo Creek approximately three miles to the west of ALA-566, where it straddles the bayshore and inland climes. Site deposits have thus far been dated to 550-710 A.D., placing it from the end of Phase 2 of the Middle Period to the beginning of the MP4 (Tiley 2001; Ryan 2017). CA-ALA-502, approximately one mile to the southeast of ALA-586, is an MLT to Late period village and cemetery site along the creek. CA-ALA-58, a minimally recorded site along the banks of San Lorenzo Creek approximately one-half mile to the south of ALA-566, is situated on the surface of the Holocene-aged alluvial landform in such close proximity that it may be contemporaneous with the late Holocene component of ALA-566. The appearance of other sites along the drainage during and after the late Holocene reinstatement of ALA-566 provided more access points to these riparian stands, possibly explaining the shift in seasonality and the decline in site use seen in the LP1.

A unique hybrid of bayshore and inland subsistence behavior observed at nearby ALA-586 alludes to potential changes in either local resource stands, territorial circumscription, or both, as they often influence one another (Bettinger 2015). This in turn may have initiated the push upstream. Macrobotanical analysis identified heavy exploitation of freshwater marsh resources (Pierce 2001). Also evident is prolific use of *Cerithidea*, a low-ranked salt marsh shellfish that is more typically seen in sites along the southern bayshore. Exploitation of this species is also evident at ALA-502. Occupants of these sites were evidently accessing a variety of stands, both local and more far-flung; this may indicate either trade with sites to the south (possibly a more lucrative exchange given that southern sites had easier access to what is typically a low-yield animal, and ALA-586 had easy access to acorns without a heavy reliance upon them), or extensification to a pattern of smaller, less desirable resources stands incited by the putative population increase attributed to the later Middle period.

Additional macrobotanical analysis at ALA-586 by Wohlgemuth et al. (2017) demonstrates a summer and fall focus with a far higher frequency of plant processing than that observed anywhere along the eastern bayshore with the exception of CCO-297 in the Richmond locale. Also notable, and in contrast with sites along the East Bay shoreline, is the fact that acorns contributed minimally to the overall nut assemblage. Wohlgemuth et al. (2017) interpreted ALA-586 as a base site from which gathering excursions in the hills were launched, allowing access to a greater variety of nut stands, as opposed to sites lining the bayshore, where nut crops, primarily acorns, were likely traded in from upland populations. These gathering excursions very likely may have been conducted at least partially at ALA-566. Wohlgemuth et al. (2017) cite Early period CA-ALA-312 as a situational parallel, where nut crops in the hills were easily accessible but acorns were a small contribution to the plant assemblage.

The latest occupation of ALA-586 and earliest of ALA-566 overlap (though minimally); this may be a consequence of minimal sampling conducted thus far at ALA-586, or may signify an abandonment of ALA-586 and a settlement thrust upstream. These scenarios are not mutually exclusive; if a later component is eventually identified at ALA-586, there remains the above-described evidence of Late period settlement increase along San Lorenzo Creek.

LANDSCAPE CONNECTIVITY

Why ALA-566, one of the farthest of the San Lorenzo Creek sites from the bayshore, was settled first, as appears to be the case using the currently available suite of evidence, may be explained by its proximity to the western entrance to the Dublin Canyon and thereby to the inland valleys. Ecological opportunity in concert with sociopolitical and territorial impetus likely drew the line of settlement from the

bayshore to the western entrance of the Dublin Canyon. It is reasonable to assume that, in times of environmental and population flux, constraining group size while extending the reach of alliances with other groups would have been a beneficial and perhaps natural progression. Seizing the opportunity to establish command over portions of the riparian corridor populations along San Lorenzo Creek would have gained them an advantage in the landscape not only through control of valued nut crops, but through proximity to a communication chain and travel corridor that may have ultimately led to the interior East Bay valleys. ALA-566 and CA-ALA-60, a short-term camp and bedrock mortar site to the east of ALA-566 (Bard et al. 1989; Miller 1982) are particularly well-placed to serve as resting camps along the journey. CA-ALA-43 (Hampson 1987), at the eastern edge of the Dublin Canyon, may have served a similar function to those traveling west through the canyon. Throughout the canyon are several bedrock mortar sites, suggesting a routine of riparian gathering along the creek, traveling and processing foods along the bedrock facilities through the canyon, and possibly meeting at these canyon sites to exchange goods.

Ecological conditions to the south of the San Lorenzo Creek corridor likely facilitated connectivity to populations along the southern bayshore as well. Activity along the Hayward Fault created a high-water table throughout the East Bay plain that created freshwater springs and their attendant willow groves known as *sausals*. These features would have provided well-appointed rest stops as well as plentiful willow resources, and may have made travel throughout the plain more attractive, encouraging communication between the populations of the creek corridor and the South Bay.

CONCLUDING REMARKS

ALA-566 was likely a function and agent of a settlement transition in the East Bay that began shortly before the detectable onset of the MCA and continued into the Middle period. Fluctuations in sensitive marsh stands along the bayshore and limitations of freshwater influx downstream wrought by drought conditions may have inspired the move of smaller populations upstream along San Lorenzo Creek, a trend that continued into the Late period and was possibly inspired by socioeconomic and territorial demands that compelled the settlement of new niches and resource extensification. This pattern is in line with previously postulated models of the distribution of smaller groups across the landscape, a phenomenon that becomes apparent through examination of seasonality data and the timing of seasonal occupation of larger bayshore settlements in relation to smaller inland sites.

Macrobotanical and shellfish gathering data indicate that seasonal occupation of ALA-566 alternated with that of bayshore site in the MP4, but converges during the LP1. This appears to support the dispersal model, wherein groups are present across the landscape throughout most of the year; in the case of the San Lorenzo Creek sites, this may have afforded increased economic agency through a network of controlled riparian stands as well as extended communication networks between the bayshore and the interior valleys, which would have been beneficial during a time of environmental instability in the region. Further research will demand increased visibility of small, ephemeral sites that capture temporary and experimental adaptations that may not be evident in dense, established sites. It will be valuable to reevaluate this analysis as the body of shellfish seasonality data is expanded.

ACKNOWLEDGMENTS

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Flemming, Michael, CDA

From: RENEE SUTTON <renees123@comcast.net>
Sent: Tuesday, November 26, 2019 2:02 PM
To: Chauhan, Nisha, CDA; Ann E. Maris; Cindy Torres
Subject: Ruby Meadow development - CEQA item D & N
Attachments: Buckeye Article 2.jpg; Buckeye Article1.jpg; Cultural Res 4.4 Feb 2009.jpg; CV Forum 8-20-1997 (1).jpg; CV Forum 8-20-1997 (2).jpg; SF Ex 12-3-1978.jpg

Hi Nisha,

I know that you have been inundated with emails and comments about developing Ruby Meadow, but I wanted to comment, since my speech was over the allotted 2 minutes in hopes that it will in fact be read and considered.

I am with MEV (My Eden Voice), we advocate for parks and open space in the unincorporated areas. We are NOT opposed to low income housing, nor are we opposed to development in general. What I want to be made perfectly clear is that, if another developer wanted to be develop Ruby Meadow, we would be putting up the same fight to save it. We are simply vehemently opposed to developing on Ruby Meadow.
We are well aware of the housing crisis that every county in the Bay Area is facing. However, there seem to be several other alternatives for Eden Housing nearby (parcel 8 and parcel 9 comes to mind), with low cultural, historical, biological and community impact. Ruby Meadow is the last open space next to San Lorenzo Creek that exists! It seems counter intuitive to take this pristine woodland meadow, which currently houses a rich wildlife habitat, in the heart of the city and decimate it. A win win for everyone, would be for HARD to acquire this property and for Eden to develop elsewhere. Castro Valley is lacking in open space in order to fulfill the recommendations of the Quimby Act, which calls for 3-5 acres per 1,000 of the population. Essentially this would be another win for Castro Valley.

Thank you for your time. Please find my speech below in its entirety. I think that the CEQA is really glossing over the Cultural and Tribal Resources in this area and negating their importance.

The CEQA Cultural Resources D, on the CEQA checklist as well as N, Tribal Cultural Resources.

The CEQA states several times that “a Registered Professional Archeologist performed a records search at the NWIC, as well as a focused review of pertinent archeological, historical, and environmental publications. The archeologist also conducted pedestrian surveys”, but the document never identifies the archeologist or their credentials. I have to argue that a pedestrian survey is not indicative of what lies beneath nor adequate enough to base these conclusions and if in fact they researched pertinent archeological publications, they would have come to a different conclusion.

The CEQA goes on to state: “This background research determined that there are no recorded archeological resources in the project site. Archeological excavations conducted in 2014, as well as site surveys conducted for the project, did not identify deposits associated with P-01-001795/ CA-ALA-566”.

This is not a true statement. The ALA-566 dig uncovered numerous artifacts : “the presence of a well dated mid-holocene deposit is especially significant due to the rarity of such finds”. A 1997 newspaper article (which is referring to ALA-566 dig) confirms not only sites from 500-600 years old, but also a campsite estimated to be 5000 years old. The newspaper article and the ALA-566 document also refer to, two indian grave sites being found in the late 1930’s.

In the CEQA, under N, Tribal Cultural Resources, it states that a list of tribes that have requested notification in the projects vicinity, were notified on behalf of the county to the tribes on the list. They also state that no responses were received within the statutory 30 day period of time. While we don't doubt that this happened, if the notifications did not mention the burials, they may not be aware of the site's significance.

Document attached 4.4 (from 2009 Route 238 Bypass Land Use Study) references P-01-001795 states "indicate the presence of one Native American archeological site within the Project area, this P01, a large former settlement that includes burials.

Ruby Meadow is 30 feet away from the ALA-566 dig, the bottom border of the dig was Crescent Ave. The Crescent Avenue driveway location and proposed paved parking lot with 71 spaces, may very well obscure the artifacts from future analysis, as some of them are quite deep and may not be located during construction. We contend that this is not a "might find remains" situation that there is definitely archeological evidence in Ruby Meadow.

The CEQA states "In most cases, archeological sites that are found to be significant (e.g. eligible for listing in the California Register) would qualify as "historical resources" under CEQA". It stands to reason that Ruby Meadow would qualify as both a Cultural Resource as well as a Historical Resource.

As further evidence, The Ohlone were hunter gathers (see attached newspaper article from 1978), "During the harvest seasons, most of the tribe migrated from the main village site and set up camps near the coast for shellfish, by the rivers for salmon, near marshes for ducks and geese, in oak groves for acorns. See next attached article stating: In addition to acorns, the Ohlone gathered and roasted a number of different plant seeds, and ate the nuts of the buckeye tree. The ALA-566 document quotes "riparian vegetation remains in the creek channels and numerous oak, bay, pine and redwood trees are present". Because the Creekside location, with a flat plateau, is typical landscape where Ohlone performed daily functions like harvesting food, preparing food, health and cleanliness activities, and religious ceremonies it stands to reason that even closer to the creek was also part of their camps during the harvest season, which is the Ruby Meadow area.

The CEQA Conclusion for both D, Cultural Resources and N, Tribal Cultural Resources are listed as less than significant, which we find inadequate and feel that this project deserves a full EIR review. These impacts were not analyzed as significant in the EIR, but they are significant because of site specific conditions including the adjacent ALA-566 site. A valuable Ohlone resource will be obscured or removed, which negates any future value as a teaching resource, impact on the Ohlone people, as a local history resource and cultural resource, not to mention a resource for the local residents.

I have attached articles that are pertinent to the speech, but I have not attached the CA-ALA-566 document again. It is a lengthy and pretty heady document. If you are in need me to resend this article, please let me know.

Thank you.

Renee Sutton, MEV member
650-766-5237
renees123@comcast.net

Flemming, Michael, CDA

From: Rowena Cheung <rowena212@hotmail.com>
Sent: Monday, November 4, 2019 2:17 PM
To: Chauhan, Nisha, CDA
Cc: Rowena Cheung
Subject: Eden's Ruby Street Project

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Nisha,

Alameda County's CEQA review of Eden's Ruby street project was thorough and comprehensive. It is clear that this proposed project development will have no adverse impacts to the community. In fact, this development will have a positive community impact. Not only will it provide much-needed affordable housing to the community, but it will also create public access to parkland and the San Lorenzo Creek Trail.

Regards,
Rowena

Flemming, Michael, CDA

From: Sandi Hollenbeck <SHollenbeck@edenhousing.org>
Sent: Thursday, October 24, 2019 9:58 AM
To: Chauhan, Nisha, CDA
Subject: CEQA Review of Eden Housing's Ruby Street Project

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Nisha,

Alameda County's CEQA review of Eden Housing's Ruby Street project was thorough and comprehensive. It is clear that this proposed project development will have no adverse impacts to the community. In fact, Eden Housing's development will have a positive community impact. Not only will it provide much-needed affordable housing to the community, but it will also create public access to parkland and the San Lorenzo Creek Trail.

Affordable housing in Alameda County is crucial to the ability of service workers in this area to afford to live here. So many of the services that residents of Alameda County enjoy are delivered by people who are paid $15 to $20 an hour. Bank tellers, restaurant and retail workers, cleaning services, ticket takers all need affordable housing to be able to remain in this area.

For the second year in a row, the Bay Area has "won" in the National Low Income Housing Coalition's annual "Out of Reach" report, which means that Marin, San Francisco, and San Mateo counties were tied for top most expensive county in the entire country. The Oakland MSA was fifth on the list.

The "Out of Reach" report aims to showcase the disparity between what people earn and what housing actually costs. According to the report, tenants in these counties must make $60.96 an hour to rent a two-bedroom home for $3,170. It would take a salary of $127,000 a year to afford modest housing. This is in comparison to the national housing wage of $22.96 an hour.

The rising cost of housing is in part due to a booming economy and high wages. Economically, the SF Bay Area is outperforming the rest of the nation. Together, the
region's nine counties boast a GDP of $748 billion — larger than Switzerland's or Saudi Arabia's — and it's an economy that's growing at double the rate of the United States.

This concentration of more people at higher and higher incomes has fueled more people falling into homelessness, oftentimes through economic evictions, where they can no longer afford the rent increases. Low wages, wage inequality, racial inequities and a severe shortage of affordable rental homes leave too many vulnerable people unable to afford housing.

Last year, there was nowhere in the Bay Area where a household could afford the median rent for an apartment on anything less than $64,000 a year. Even with two people working minimum wage jobs paying $15 an hour, they still would not make enough to afford the median rent for an apartment in any Bay Area county. People making $100,000 can afford to live in just 28 percent of Bay Area neighborhoods, and those making less than $64,000 basically have no options.

Further exacerbating the issue is the disappearance of existing affordable housing, as some owners of affordable housing units chose to convert to market rate to capitalize on the current market rents. Trulia says that the East Bay is leading the entire country in loss of affordable housing listings (defined as studio to two-bedroom units listed at 30

percent of the median gross household income). The city of Fremont saw the most affordable-housing listings disappear; it lost 23.9 percent last year. Walnut Creek is second, and Oakland is third. Sam Liccardo, Mayor of San Jose, says that for every unit of affordable housing that is built, three are lost.

Affordable housing is an imperative need for Alameda County and the Ruby Street affordable housing development can help to meet that need.

Sandi Hollenbeck | Special Projects Analyst
Central Office
Eden Housing | 22645 Grand Street, Hayward, CA 94541
510-247-8184 **Office**
SHollenbeck@edenhousing.org | www.edenhousing.org

The mission of Eden Housing is to build and maintain high-quality, well-managed, service-enhanced affordable housing communities that meet the needs of lower income families, seniors and persons with disabilities.

Flemming, Michael, CDA

From: Sherman Lewis <sherman.lewisiii@gmail.com> on behalf of Sherman Lewis <sherman@csuhayward.us>
Sent: Wednesday, November 20, 2019 10:14 AM
To: Chauhan, Nisha, CDA
Subject: Eden Housing's Ruby Street Project

Dear Ms. Chauhan,

I support affordable housing and I support open space. Since we cannot have both in the same place at the same time, we have to compromise.

Eden Housing is doing good things for some open space, but is also destroying irreplaceable unique sloping old woodlands below Crescent with a parking lot. It is preempting what should be public open space on the meadow with a private park. It is building a parking lot on Ruby that degrades the streetscape to benefit cars. It wants to build far too massive a building for the character of the neighborhood. It is smearing those who want a better balance with false accusation of being against affordable housing and being NIMBYs.

Ruby historically has had a few houses, now demolished, allowing an assembly nine lots wide, based on old lot numbers, not APN numbers, and excluding the meadow on the back of old lot 10. The replating proposed by Eden is a scam to avoid the application of existing county policy protecting biological resources. Those resources have not been adequately surveyed, as reported to you by others.

Alameda County's CEQA review of Eden Housing's Ruby Street project was not good enough. This proposed project development will have serious adverse impacts on the community.

There are many places to provide affordable housing, documented by the county itself.

There is no other place that can provide these woodlands and a meadow.

Eden should reduce the size of the project to front on Ruby with parking off Ruby and include the meadow and Crescent woodland with the creek and trail, of which they are ecologically an integral part.

Eden should respect the desires of the neighborhood and the needs of the environment; Eden should respect the needs that everyone, including low income people, have for open space, not destroy it.

--
Sherman Lewis
Professor Emeritus, Cal State Hayward
President, Hayward Area Planning Association
510-538-3692, sherman@csuhayward.us

Flemming, Michael, CDA

From: Sophia DeWitt <sophia@ebho.org>
Sent: Thursday, November 21, 2019 5:44 PM
To: Chauhan, Nisha, CDA
Subject: EBHO Letter of Support for Ruby Street Project
Attachments: EBHO-Castro Valley Ruby Street Letter.doc

Hello:

Please find attached a letter of support from EBHO for Eden Housing's Ruby Street Project, to be shared with members of the Castro Valley MAC prior to their deliberations Monday night.

Thank you so much for your assistance.

Best,
Rev. Sophia DeWitt
Program Director

EAST BAY HOUSING ORGANIZATIONS (EBHO)
510-663-3830 ext. 313 | sophia@ebho.org
538 Ninth Street, Suite 200 | Oakland, CA 94607

Join us or renew your membership for 2020! Thank you for supporting our efforts to protect, preserve and create affordable housing for all!

East Bay Housing Organizations

November 21, 2019

Ms. Nisha Chauhan
c/o Castro Valley Municipal Advisory Council
224 W. Winton
Room 111
Hayward, CA 94544

Dear Ms. Chauhan:

I write this letter on behalf of East Bay Housing Organizations (EBHO) to provide comments on Item 5 of the Municipal Advisory Council's Monday, November 25th agenda. EBHO is a 35 year old membership organization committed to creating, preserving and protecting affordable housing opportunities for low-income residents of the East Bay. Many of our members live and/or work in Castro Valley.

We wish to express support for Eden Housing's Ruby Street Project. This is an 100% affordable housing project which will provide 72 units of much needed housing for families earning between 30% and 60% of AMI. The project is located on former Caltrans land, and is an excellent example of what can and should happen when surplus public land is used for public good and the creation of affordable housing in the East Bay. Eden Housing is an established affordable housing developer with a 50 year track record of building and maintaining high-quality, well-managed, service-enhanced affordable housing communities that meet the needs of lower income families, seniors and persons with disabilities. Eden is one of EBHO's strongest and most active members. We know the nature and quality of their work, and we are pleased to support this project.

Alameda County's CEQA review of the Ruby Street Project was thorough and complete. The project will have no adverse effects on the community, but instead will provide positive benefits. Not only will it provide much needed affordable housing to the Castro Valley community, it will also help provide public access to parkland, as well as the San Lorenzo Creek Trail. We urge you to recommend approval of this project.

EBHO looks forward to continuing to engage with the Castro Valley community to encourage affordable housing and quality services for all residents.

Sincerely,

Sophia DeWitt

Rev. Sophia DeWitt
Program Director

SIERRA CLUB
SAN FRANCISCO BAY
Serving Alameda, Contra Costa, Marin and San Francisco counties

December 26, 2019

Via Email Only c/o nisha.chauhan@acgov.org
Chair and Members of the Castro Valley
Municipal Advisory Council
c/o Alameda County Planning Department
Ms. Nisha Chauhan
224 West Winton Ave,
Hayward, California

Re: Proposed Analysis and Determination of Community Plan Exemption from Environmental Review For Ruby Meadows Project.

Dear Mr. Chair and Members of The Castro Valley Municipal Advisory Council:

This is to follow up on our public comments at your last hearing on this matter held on November 25, 2019, which was continued for another hearing before this Council. On behalf of the Sierra Club, this is to request that you recommend that an Environmental Impact Report (EIR) be prepared for the above proposed project located along the San Lorenzo Creek riparian corridor which is designated a high priority biological resource, and not an infill area by the Castro Valley General Plan.

It is because there is no EIR that we have not taken any position on this proposal because to date unfortunately no environmental analysis satisfying CEQA has been prepared which would identify impacts, potential necessary mitigations, and the best environmental options. In this regard, the Sierra Club is a strong proponent of construction of affordable housing that add residential density with close proximity to public transportation and services as a key strategy to reduce urban related carbon emissions. At the same time, the Sierra Club likewise is a strong proponent and supporter of parks, another proposal we understand that Hayward Area Recreation District has advanced for this former freeway property given the proximity to the Japanese Gardens.

Based on our review, this project, which is not in a transit priority area or a priority development area, is not consistent with the zoning and requirements of the Castro Valley General Plan and thereby requires a complete environmental analysis satisfying the California Environmental Quality Act (CEQA). Further, it proposes to construct a paved parking lot adjacent to an important riparian creek for 107 parking spaces.

As Staff's analysis concedes, pages 21-22, in its 152 pages Checklist for a Plan Exemption, the proposed project is inconsistent with the current zoning and "would use a waiver to exceed the maximum height" of the multi-story building. Additionally, "[t]he project would also use *several waivers* and incentives to modify other minor standards such as setbacks and ***open space requirements.***" (Emphasis added.) Having to resort to a waiver by definition means that the project is inconsistent, since if it was consistent, no waiver would be required. The fact that Staff has to dedicate 152 pages to attempt to justify an exemption from environmental review likewise establishes there are serious inconsistencies since if there were not, Staff would not need 152 pages.

Additionally, the EIR prepared eight years ago for the Castro Valley General Plan in 2012 is stale, failing to analyze and apply important traffic impacts utilizing the vehicle miles travelled criteria to determine green house gases, another important question to address given the large number of paved parking spaces this project proposes, 103 spaces, nearby the Creek. Further, since 2012, California has experienced unprecedented detrimental impacts due to climate change, resulting in residents losing their homes and insurance. Climate change has particularly impacted our riparian corridors by flooding, which if not properly protected, may become subject to embankment deterioration and collapse. Given these circumstances, together with the County Ordinance allowing development up to twenty feet

from the Creek's embankment, a controversial set back many have identified as far from sufficient, preparation of an EIR is essential for the protection of the environment, the public and specifically any proposed residents. Given the project location's designation falls within the General Plan's designation for a biological resource overlay that requires "special review," combined with the possible presence of special status plant and animal species, and State and Federal requirements to protect these sensitive riparian corridors, a environmental review is essential.

As a result, given the unique and important location of this land abutting the San Lorenzo Creek and rapid advancement of the detrimental impacts of climate change, together with the fact that this proposed project is inconsistent with the zoning and conditions of the Castro Valley General Plan which relies on a stale and outdated EIR, this is to urge you to recommend that a thorough environmental review be prepared to allow you and the public to make an educated and knowledgeable judgment.

Sincerely,

/S/Toni Wise

Toni Wise, Treasurer
Southern Alameda County Group
San Francisco Bay Chapter, Sierra Club

Cc: Via Email Only
Sierra Club Chapter Director Minda Berbeco

Flemming, Michael, CDA

From: Spence Gordon <spence.gordon@outlook.com>
Sent: Friday, November 22, 2019 10:04 AM
To: Chauhan, Nisha, CDA
Subject: Ruby Street review

Dear Nisha,

Alameda County's CEQA review of Eden Housing's Ruby Street project was thorough and comprehensive. It is clear that this proposed project development will have no adverse impacts to the community. In fact, Eden Housing's development will have a positive community impact. Not only will it provide much-needed affordable housing to the community, but it will also create public access to parkland and the San Lorenzo Creek Trail.

Spence Gordon
17443 Mayflower Dr
Castro Valley CA 94546

Flemming, Michael, CDA

From: Terry Preston <mtmpreston@comcast.net>
Sent: Monday, November 25, 2019 2:02 PM
To: Chauhan, Nisha, CDA
Subject: Ruby EH project comments Ohlone Audubon
Attachments: RUBY OAS COMMENTS NOV 24 2019 .pdf

Please submit these comments to CVMAC and put them in the public record. Thank you!

Ohlone Audubon Society
A Chapter of the National Audubon Society
Serving Southern Alameda County

November 24, 2019

Members of the Castro Valley
Municipal Advisory Commission
c/o Planning Department
Ms. Nisha Chauhan
Winton Ave
Hayward, California

Re: Response to Bioassessment for the Ruby/Crescent project in Castro Valley

After reading the LSA biological assessment for the Ruby project our first question was ***"Given the extraordinary number of animals that are utilizing the Ruby site for food, water, birthing and raising their young, I wonder why there is no mention of what will happen to them when subjected to the proposed human disturbance of a trail, a parking lot, paved access road and significant human activity from high density housing?"*** These animals most likely will not be able to tolerate this kind of disturbance and will attempt to leave. Looking at an aerial map of San Lorenzo Creek in this area you can see that this is one of the very few upland areas for wildlife to meet all their life requirements. Most of the upland corridor area has been destroyed by poorly planned development. Where will these animals go?

As with many of these bioassessments, they did not meet the objective of the study which is to identify potentially significant biological resource constraints to development of the project site, especially those related to special-status species and sensitive habitat.

LSA states that they conducted a "reconnaissance level survey" of the project site. This level is defined as "a preliminary survey, usually executed rapidly and at relatively low cost, prior to mapping in detail and with greater precision" (McGraw-Hill Dictionary of Scientific & Technical Terms, 6E, Copyright © 2003 by The McGraw-Hill Companies, Inc.).

LSA conducted this cursory study of what was on the site during the short period of time they were on site. We detected special status species, they did not. Clearly their study was inadequate to meet the requirements of CEQA.

RIPARIAN

According to the California Riparian Habitat Conservation Program (CRHCP) riparian habitat provides important food, nesting habitat, cover, and migration paths.

Current science describes riparian corridors as ecosystems. According to this (CRHCP) report, riparian corridors (i.e., rivers, streams and adjacent lands) are particularly valuable habitats for wildlife. This includes many of what are ordinarily thought of as "upland" species as well as wetland species. For example, many upland animals need access to rivers and streams for hunting and drinking, particularly in the winter when other water sources may be frozen over. The junction between rivers, streams and adjacent riparian land is especially high in ecological diversity and biological productivity because gravity is constantly moving energy and matter along with the current and because so many animals spend their lives both in water and on land. The high value of riparian areas as wildlife habitat is also due to the abundance of water combined with the convergence of many species along the edges and ecological transition zones between aquatic/wetland, aquatic/upland, wetland/upland and river channel/backwaters habitats.

Oak Woodland

LSA states in their report that "the scattered oak trees…do not constitute a native oak woodland."

California AB242 enacted in 2001defines oak woodland as "an oak stand with a greater than 10 percent canopy cover or that may have historically supported greater than 10 per cent canopy cover".

AB242 also known as the **Oak Woodlands Conservation Act** "encourages local land use planning that is consistent with the preservation of oak woodlands…"

We can be sure that the Ruby meadow site, like much of the Castro Valley area was historically oak woodland because this is the native plant community for our area. The oak trees at Ruby are large diameter and probably very old. Eden Housing plans to remove these trees and remove any chance of restoring this area to the native state.

Yet, LSA states that ***"it may not be considered significant under CEQA***". This is a problem with the oversimplification of terms used in the LSA report. We know that oak woodlands

provide habitat for over 300 wildlife species yet without looking at the cumulative impact of what these small projects inflict upon this resource, oak woodlands will be severely reduced.

NON-COMPLIANCE WITH CASTRO VALLEY GENERAL PLAN

According to our **Castro Valley General Plan** :

> **"As shown in Figure 7-1, oak riparian woodland, coastal scrub, and grassland vegetation serve as the primary wildlife movement corridors for common and special-status wildlife species within the Castro Valley planning area.**
>
> **Non-native dominant habitats also may serve as movement corridors when continuous with habitats supporting native vegetation. Wildlife corridors allow animals to have an adequate range of habitat area to search for food, flee from predators, and find protected areas for newborns. *In an urbanized area, continuous wildlife corridors, such as creeks, are particularly important.***
> **All areas supporting native vegetation or providing suitable habitat for special-status species are considered sensitive habitat areas, including oak riparian woodland and naturalized native trees that provide potential nesting habitat for bird species. Sensitive habitat areas also include creeks and wetlands with the potential to be considered jurisdictional by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act or by the California Department of**

Wildlife habitat exists in small pockets woven throughout residential neighborhoods, primarily along creeks." ***CASTRO VALLEY GENERAL PLAN***

A broad range of mammals, birds, reptiles and amphibians rely on riparian buffers for habitat. Riparian buffers are core habitat for many semi-aquatic and terrestrial ecotone species, such as salamanders, frogs, turtles, minks, beavers and otters, and these species require a buffer that is both long and wide. Long stretches of riparian buffer also serve as wildlife travel corridors. Many birds, such as herons, fishers, eagles, and ospreys, as well as some mammals, rely on **forested buffers** for both habitat and resting places. These birds hunt for fish in the water and nest in adjacent forests (Bongard, 2009)

The width needed for a riparian buffer to be effective depends on a number of factors, but, in general, **the wider the buffer, the greater the benefits delivered**.

For buffers to provide adequate habitat for forest dependent songbirds, they must be wide. Several studies have shown that bird species richness increases in buffers that are at least 100 meters wide and that the presence of forest dependent songbirds decreases dramatically when buffers are less than 50 meters (Bongard, 2009). For more information on the importance of protecting species richness, see the guide *Biodiversity*.

INACCURATE SPECIES INFORMATION

Bats (and other species) were not included on the LSA list as occurring at the site, yet our experts located three separate species foraging on the site. We also observed several bird species that were not included in the LSA report.

All of California bat species face a relatively new and very serious disease that threatens the populations. White-nose Syndrome has reached California. This disease resulted in the dramatic decrease of the bat population in the United States and Canada, reportedly killing millions as of 2018. In March 2016, it was confirmed in a little brown bat in Washington state. In 2019, evidence of the fungus was detected in California for the first time, although no affected bats were found. No obvious treatment or means of preventing transmission is known, and some species have declined >90% within five years of the disease reaching a site.

These are the kind of details that should be included in a biological assessment when decision makers are trying to determine the degree of protection they will enforce in at risk species. Bats are at risk.

The following bat species are known to utilize Ruby meadow and surrounding habitat:

Yuma myotis

May be affected by closure of abandoned mines without adequate surveys, some forest management practices, and disturbance of maternity roosts in caves and buildings. Since this species frequently occurs in anthropogenic structures, it is vulnerable to destructuve pest control activities. Some riparian-management practices may be detrimental. No information known on use and acceptance of bat gates, impacts of grazing and riparian habitat management, winter range, and winter roost requirements. Information is needed on geographic variation in roosting and foraging requirements.

Western Red Bat

This is a Special Status Species in California. It was not reported in the LSA report.

L. blossevillii is typically solitary, roosting primarily in the foliage of trees or shrubs. Day roosts are commonly in edge habitats adjacent to streams or open fields, **in orchards**, and sometimes in urban areas. There may be an association with intact riparian habitat (particularly willows, cottonwoods, and sycamores). Although some may forage all night, most typically have an initial foraging period corresponding to the early period of nocturnal insect activity, and a minor secondary activity period corresponding to insects that become active several hours before sunrise. Threats

Loss of riparian zones, and creation of water storage reservoirs has reduced both roosting and foraging habitat of red bats. The intensive use of pesticides in fruit orchards may constitute a threat to roosting bats and may significantly reduce the amount of insect prey available. Controlled burns may be another significant mortality factor for red bats that roosting in leaf litter during cool temperatures. The following areas need more investigation to accurately determine the status of and conserve the red bat in the western U.S.: habitat requirements (esp. roost sites and foraging habitat), altitudinal distribution, migration patterns, effects of controlled burns, and effects of pesticide use in orchards

Mexican free tailed bat

This species' proclivity towards roosting in large numbers in relatively few roosts makes it especially vulnerable to human disturbance and habitat destruction. Documented declines at some roosts are cause for concern. It is considered a Species of Special Concern due to declining populations and limited distribution in Utah.

Besides the human disturbance and habitat destruction, or alteration of suitable caves, mines, bridges, and old buildings noted above, there are problems with pesticide poisoning and deliberate eradication attempts. Although most major maternity roosts in the United States are now protected, much remains to be done with winter roosts in Mexico. More documentation of the role of T. b. mexicana in agriculture, and the use of artificial roosts to attract them, is needed. Its ecology, distribution, and seasonal patterns are not well understood in some parts of its range, particularly California, Nevada, southern Oregon, and Utah).

CLIMATE CHANGE IMPACTS

"A lead agency's analysis must reasonably reflect evolving scientific knowledge and state regulatory schemes." (See CEQA Guidelines, § 15064.4, subd. (b).)

We now have a better idea some of the challenges wildlife will face with climate change. There was no discussion or consideration of the impacts of climate change on species. CEQA requires that past, present and foreseeable future impacts must be considered. In this LSA bio report hey were not.

For example : Audubon scientists took advantage of 140 million observations, recorded by birders and scientists, to describe where 604 North American bird species live today– an area known as their "range." They then used the latest climate models to project how each species range will shift as climate change and other human impacts advance across the continent. The results are clear: Birds will be forced to relocate to find favorable homes. **And they may not survive.** (Survival by degrees: 389 Bird Species on the Brink). Foreseeable Climate impacts on all species must be considered in this assessment.

INEFFECTIVE MITIGATIONS

LSA proposes several "mitigations" such as moving bats or their roosts, "training" construction crews on how to identify species (that are sometimes difficult for trained biologists to identify), installing exclusion fences, etc. Many of these species are sensitive to any human disturbance. If the construction activity and removal of vegetation doesn't result in the animals abandoning the site, the human disturbances from the apartments

and parking area and the human disturbance from the proposed trail will likely push them out. These proposed mitigations are outdated, ineffective and overly simplistic.

LSA refers to the sensitive habitat as "riparian woodland corridor" which should be referred to more accurately as "riparian oak woodland corridor". A similar project in Castro Valley raised this same issue of definition of these vegetation zones. As a result, the term **"biological resource zone"** was created to accurately portray a mixed oak/riparian woodland vegetation system located along Cull Creek that was biologically sensitive and to be protected. That term is included in the Castro Valley General Plan as areas that now must be preserved and protected. This proposed project certainly will not.

In Summary:

We believe that the Ruby/Crescent Eden Housing project does not qualify for a community exemption because although this project supposedly provides more low cost housing, it also destroys one of the last remaining habitat that fulfills the life needs of many species including, nesting/birthing, open areas to raise young, and sufficient supply of food, along with connecting this site to others along the San Lorenzo Creek.

We believe that the August 2019 Biological Assessment by LSA is inadequate, incorrect and does not fulfill CEQA requirements or the need of providing valid information to the public and the decision makers. We ask that Alameda County Planning Dept. require a full CEQA EIR analysis of this proposed project and a sufficiently detailed study of the biological resources at Ruby meadow. We also ask the County to honor **the intent of AB242** and start protecting the remaining oaks in our urban areas before it's too late.

Sincerely,

Terry Preston, Ohlone Audubon Society